CITY OF SHIDLER

CODE OF ORDINANCES

Containing all of the Ordinances of the City of Shidler, Oklahoma of a general and permanent nature passed prior to March 24th, 2022, and still in effect on that date.

Compiled and Codified by:
HESKETT & HESKETT
2401 Nowata Place, Suite A
Bartlesville, Oklahoma 74006
(918) 336-1773

RECEIPT OF CODEBOOK

RECEIVED OF THE CITY OF SHIDLER. CODEBOOK OF ORDINANCES, PREPARED BY HESKETT & HESKETT, OF WASHINGTON COUNTY, STATE OF OKLAHOMA.

DATED THIS 25 DAY OF APRIL, 2022.

By: _____

Dianne Tope

PROOF OF PUBLICATION

The Fairfax Chief
301 South 4th Street
Fairfax, OK 74637
918-642-3814

I, Carol Conner, of lawful age, being duly sworn upon oath, deposes and says that I am the Editor of The Fairfax Chief, a Weekly publication that is a "legal newspaper" as that phrase is defined in 25 O.S.§ 106 for the City of Fairfax, for the County of Osage, in the State of Oklahoma, and that the attachment hereto contains a true and correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

INSERTION DATES:

March 16, 2023; March 23, 2023; March 30, 2023

PUBLICATION FEE: . . . . . .$272.36. . . . . .

(Signature)
Editor

State of Oklahoma
County of Osage

Signed and sworn to before me this ___30th day of ____March_____, 2023 by

Carol Conner, Editor
Name of Editor, Publisher, Authorized Agent.

(Signature) Notary Public

OFFICIAL SEAL
CANDICE CASON
NOTARY PUBLIC OKLAHOMA
OSAGE COUNTY
COMM. EXP. 11-04-2024
COMM. NO. 20013632

My Commission expires: November 04, 2024
Commission # 20013632

City of Shidler Adoption Ordinance No. 2023-03-01

ADOPTION ORDINANCE

ORDINANCE NO. 2023-03-01

AN ORDINANCE OF THE CITY OF SHIDLER, OKLAHOMA, A MUNICIPAL CORPORATION, ADOPTING AMENDMENTS TO THE CODE OF ORDINANCES, CITY OF SHIDLER, OKLAHOMA; RENUMBERING SECTIONS; AND REPEALING PERMANENT AND GENERAL ORDINANCES NOT INCLUDED IN THE CODE.

BE IT ORDAINED by the City Council of the City of Shidler, Osage County, State of Oklahoma, meeting in special session on this 8th day of March, 2023, as follows:

Section One (1): Code Adopted. The Code of Ordinances, City of Shidler, compiled, arranged and codified, is hereby adopted for the City of Shidler, Oklahoma.

Section Two (2): Ordinance Provisions Adopted. All of the Ordinance provisions included in the said Code are hereby adopted and enacted, and shall be in full effect, whether (1) such provisions are included in the form as originally adopted, or (2) are included therein in amended form, or (3) are composed wholly or partially of new material as authorized by law.

Section Three (3): Permanent and General Ordinances Not Included, Are Repealed. All Ordinances and parts of Ordinances of a permanent and general nature in effect but not included in the Code at the time the Code of Ordinances, City of Shidler, was adopted are hereby repealed as of the time when this Code goes into effect.

Section Four (4): Temporary and/or Special Ordinances Continue in Effect, Although Omitted from the Code. The continuance in effect of temporary and/or special Ordinances or parts of Ordinances, although omitted from this Code, shall not be affected by such omission therefrom; and the adoption of this Code shall not repeal or amend any such Ordinance or part of any such Ordinance omitted therefrom. Among the temporary and/or special Ordinances not repealed or amended by the adoption of this Code are the following: Ordinances relating to specific paving and sewer districts and special assessments; vacating, opening and dedicating specific streets and alleys; relating to specific bond issues annexing territory to, or excluding it from the town; relating to grade and alignment of specific streets; granting railroads use of specific streets and alleys; naming, or changing the name of, specific streets; abating specific nuisances, and all other temporary and/or special Ordinances. Ordinances granting franchises shall not be repealed or amended by the adoption of this Code.

BE IT HEREBY ALSO RESOLVED BY THE CITY COUNCIL THAT THIS ORDINANCE BE PUBLISHED TO THE PUBLIC.

PASSED AND APPROVED, this 8th day of March, 2023.

CITY OF SHIDLER, OKLAHOMA
A Municipal Corporation

By: _____
Jace Gullic, Mayor

ATTEST:

_____
Kim Martin, City Clerk

[S E A L]

APPROVED AS TO FORM:

HESKETT & HESKETT
City Attorneys

By: _____
Jacob Heskett

CONTENTS

PART 1
GENERAL PROVISIONS
CHAPTER 1
USE AND CONSTRUCTION OF THE CODE
Section 1-101 How Code Designated and Cited
Section 1-102 Rules of Construction
Section 1-103 Catchlines of Sections; Citations
Section 1-104 Effect of Repeal of Ordinances
Section 1-105 Severability of Parts of Code
Section 1-106 Amendment to Code; Effect of New Ordinances; Amendatory Language
Section 1-107 Altering Code
Section 1-108 General and Specific Penalties
Section 1-109 Fines Recoverable by Civil Action
Section 1-110 Ordinances in Effect in Outlying Territory of City
CHAPTER 2
CORPORATE AND WARD LIMITS
Section 1-201 Map of City Designated as Official Map
Section 1-202 Ward Boundaries
Section 1-203 Annexation Procedures, Deposits Required

PART 2
ADMINISTRATION AND GOVERNMENT
CHAPTER 1
CITY COUNCIL
Section 2-101 General Powers
Section 2-102 City Council
Section 2-103 Meetings of the City Council
Section 2-104 Rules of Order and Procedure
Section 2-105 Elections Required
CHAPTER 2
MAYOR
Section 2-201 Election and Duties of the Mayor
CHAPTER 3
CITY OFFICERS AND PERSONNEL
Section 2-301 City Clerk; Additional Duties for Office Management
Section 2-302 City Treasurer; Additional Duties as Prescribed
Section 2-303 Deputy Clerk and Deputy Treasurer
Section 2-304 City Attorney, Appointment and Duties
Section 2-305 Health Officer
Section 2-306 Other Personnel, Appointments, Removals
Section 2-307 Bonds
Section 2-308 Salaries of Elected Officials
Section 2-309 Compensation of Employees, Number and Classes of Personnel
Section 2-310 Salaries of Certain Officers not to be Changed after Election or Appointment
Section 2-311 Oaths
Section 2-312 Officers to Continue until Successors are Elected and Qualify
CHAPTER 4
SOCIAL SECURITY
Section 2-401 Declaration of Policy to Come Under Coverage
Section 2-402 Execution of Agreement with State Agency
Section 2-403 Withholdings
Section 2-404 Contributions
Section 2-405 Records and Reports
Section 2-406 Exclusions

CHAPTER 5
FIREFIGHTERS PENSION AND RETIREMENT FUND
Section 2-501 State Pension System Adopted
Section 2-502 Fund to be Operated in Accordance with Law
Section 2-503 Contributions to Fund
CHAPTER 6
RECORD RETENTION AND DESTRUCTION
Section 2-601 Record Retention and Destruction
CHAPTER 7
COLLECTION OF DEBTS
Section 2-701 Collection Agency
Section 2-702 Oklahoma Tax Commission Claims

PART 3
ALCOHOLIC BEVERAGES
CHAPTER 1
GENERAL
Section 3-101 Definitions
Section 3-102 Unlawful Manufacture, Sale, Possession, Etc., Generally
Section 3-103 Maintaining a Place Where Sold Contrary to Law
Section 3-104 Location of Package Stores, Wholesalers, and Mixed Beverage Establishment
Section 3-105 Hours of Operation
Section 3-106 Underage Persons Not Permitted in Package Stores or Licensed Premises
Section 3-107 Minors not to be Employed in Selling or Handling; Exceptions
Section 3-108 Possession by Underage Persons
Section 3-109 Underage Persons not to Misrepresent Age in Order to Buy Alcohol or Gain Entry to Licensed Establishments
Section 3-110 Containers not to be Opened or Beverages Consumed in Package Store
Section 3-111 Loitering Where Alcoholic Beverages are Sold, Etc.
Section 3-112 Public Intoxication
Section 3-113 Drinking Alcoholic Beverages in Public
Section 3-114 Transportation
Section 3-115 Permitting or Allowing Gatherings Where Minors are Consuming Alcoholic Beverages and Any Controlled Dangerous Substances
Section 3-116 Violations
CHAPTER 2
OCCUPATION TAX ON RETAILERS AND WHOLESALERS
Section 3-201 Levied; Amount
Section 3-202 Payment Required
Section 3-203 When Due and Payable; Prorating
Section 3-204 Compliance with Law; Expiration of License
Section 3-205 Use of Funds
Section 3-206 Occupation Tax Nontransferable or Nonrefundable
Section 3-207 Function of City Clerk
Section 3-208 Application for a Certificate of Zoning Compliance and Certificate of Compliance with Fire, Safety and Health Codes
Section 3-209 Investigation of Applicant
Section 3-210 Issuance of Certificates; Temporary Certificates

PART 4
ANIMALS
CHAPTER 1
ANIMAL REGULATIONS
ARTICLE A
GENERAL PROVISIONS
Section 4-101 Definitions
Section 4-102 Animals Running at Large Prohibited

Section 4-103 Turning Animals at Large Unlawful
Section 4-104 Pasturing in Public Areas Illegal
Section 4-105 Animals which Disturb Prohibited, Constitute Nuisance
Section 4-106 Buildings for Animals; Construction and Conditions
Section 4-107 Premises to be Kept Clean
Section 4-108 Health Officer to Inspect
Section 4-109 Enforcement
Section 4-110 Confinement of Female Dog or Cat, which is in Season
Section 4-111 Leashing Animals, When
Section 4-112 Offenses
Section 4-113 Animals or Livestock Which May Be Kept; Conditions

ARTICLE B
DOG AND CAT VACCINATION, TAGS AND TAX
Section 4-120 Dogs and Cats to be Vaccinated
Section 4-121 Dog Registration; Tag
Section 4-122 Tag to be Placed on Dog Collar; Lost Tags
Section 4-123 Court Proceedings against Vicious or Dangerous Animals

ARTICLE C
ANIMAL CONTROL SHELTER
Section 4-130 Shelter Established
Section 4-131 Animals to be Impounded
Section 4-132 Breaking Animal Control Shelter
Section 4-133 Fees for Impounding
Section 4-134 Owner May Redeem
Section 4-135 Sale or Destruction of Impounded Animals
Section 4-136 Adoption
Section 4-137 Owner May Claim Excess Money

ARTICLE D
CRUELTY TO ANIMALS
Section 4-140 Abandoning Animals
Section 4-141 Cruelty to Animals
Section 4-142 Poisoning Animals
Section 4-143 Encouraging Animals to Fight

ARTICLE E
WILD, EXOTIC OR DANGEROUS ANIMALS
Section 4-150 Keeping of Wild, Exotic or Dangerous Animals

ARTICLE F
ZONING ORDINANCE TO PREVAIL
Section 4-160 Zoning Ordinance to Prevail

ARTICLE G
PROCLAMATION OF RABIES
Section 4-170 Dogs and Cats Confined; When
Section 4-171 Quarantine of Animals for Observation
Section 4-172 Securing Support Information on Diagnosed Animals
Section 4-173 Rabies Crisis Declaration
Section 4-174 Destruction of Animals under Crisis Period
Section 4-175 Surrender of Animals under Suspect

ARTICLE H
KENNELS
Section 4-180 Kennel License; Fee

ARTICLE I
PENALTY
Section 4-190 Penalty

PART 5
BUILDING REGULATIONS AND CODES

CHAPTER 1
BUILDING CODE
Section 5-101 Building Code Adopted
Section 5-102 Additions and Changes to Building Code
Section 5-103 Penalty
Section 5-104 Building Official
Section 5-105 Fire Limits Defined
Section 5-106 Building Permit Required; Fee
Section 5-107 Building Contractor's License
CHAPTER 2
PLUMBING CODE
Section 5-201 Plumbing Code Adopted
Section 5-202 Additions, Insertions and Changes to Plumbing Code
Section 5-203 Plumbers; Registrations, Permits and Fees
Section 5-204 Plumbing; Permits and Inspections
CHAPTER 3
ELECTRICAL CODE
Section 5-301 "Electrical Equipment" Defined
Section 5-302 National Electrical Code
Section 5-303 Underwriters Laboratories, Inc.
Section 5-304 City may make Special Rulings
CHAPTER 4
LIQUEFIED PETROLEUM GAS
Section 5-401 Persons Must Comply with State Law
CHAPTER 5
GAS PIPING CODE
Section 5-501 Pamphlet Adopted
CHAPTER 6
MECHANICAL CODE
Section 5-601 Mechanical Code Adopted
Section 5-602 Additions, Insertions and Changes to Mechanical Code
CHAPTER 7
FAIR HOUSING
Section 5-701 Intent
Section 5-702 Acts Prohibited
Section 5-703 Acts Exempted
Section 5-704 Fair Housing Council Created
Section 5-705 Fair Housing Council Powers
Section 5-706 Complaint Procedure
Section 5-707 Hearing by Council
Section 5-708 Penalty
CHAPTER 8
PROCEDURES AND PENALTIES
Section 5-801 Injunctions
Section 5-802 Appeals, Exceptions
Section 5-803 Penalty
Section 5-804 Relief in Courts
CHAPTER 9
PROPERTY MAINTENANCE CODE
Section 5-901 Property Maintenance Code Adopted
Section 5-902 Additions, Insertions and Changes to Property Maintenance Code

PART 6
COURT

CHAPTER 1
COURT

Section 6-101 Organization of Municipal Court
Section 6-102 Definitions
Section 6-103 Jurisdiction of Court
Section 6-104 Judges; Qualifications
Section 6-105 Term of Judge
Section 6-106 Alternating Judge
Section 6-107 Acting Judge
Section 6-108 Appointment of Judge and Alternate Judge
Section 6-109 Salary and Payments to Judges
Section 6-110 Removal of Judge
Section 6-111 Vacancy in Office of Judge
Section 6-112 Disqualification of Judge
Section 6-113 Court Marshal, Chief of Police
Section 6-114 Clerk of the Court; Duties
Section 6-115 Prosecuting Attorney; Duties; Conflict of Interest
Section 6-116 Bond of Clerk
Section 6-117 Rules of Court
Section 6-118 Enforcement of Rules
Section 6-119 Written Complaints to Prosecute Ordinance Violations
Section 6-120 Traffic Ordinance Violations; Procedures for Issuing Citations; Custody, Arrest.
Section 6-121 Traffic Bail and Procedures
Section 6-122 Summons for Arrest
Section 6-123 Form of Arrest Warrant
Section 6-124 Procedures for Bail or Bond
Section 6-125 Arraignment and Pleadings by Defendant
Section 6-126 Trial by Jury and Waiver
Section 6-127 Jurors and Jury Trial Procedures
Section 6-128 Trials and Judgments, Enforcing Fines by Working of Prisoners
Section 6-129 Witness Fees
Section 6-130 Sentencing
Section 6-131 Imprisonment, Work by Prisoners
Section 6-132 Fines and Costs
Section 6-133 Penalty Assessment

CHAPTER 2
(RESERVED)

PART 7
FINANCE AND TAXATION

CHAPTER 1
FINANCE AND BUDGET ADMINISTRATION

Section 7-101 Depositories Designated; Funds to be Deposited
Section 7-102 Funds Secured by Unit Collateral System
Section 7-103 Contractual Services Defined for Purchasing
Section 7-104 Purchases, How Made
Section 7-105 When Prior Approval by City Council is Required
Section 7-106 Competitive Bidding
Section 7-107 When Competitive Bidding is Not Required
Section 7-108 Municipal Budget Act Adopted

CHAPTER 2
SALES TAX

Section 7-201 Citation and Codification
Section 7-202 Definitions

Section 7-203 Tax Collector Defined
Section 7-204 Classification of Taxpayers
Section 7-205 Subsisting State Permits
Section 7-206 Effective Date
Section 7-207 Purpose of Revenues
Section 7-208 Tax Rate - Sales Subject to Tax
Section 7-209 Exemptions; Sales Subject to Other Tax
Section 7-210 Exemptions; Governmental and Non-profit Entities
Section 7-211 Exemptions; General
Section 7-212 Exemptions; Agriculture
Section 7-213 Exemptions; Manufacturers
Section 7-214 Exemptions; Corporations and Partnerships
Section 7-215 Tax Due When; Returns; Records
Section 7-216 Payment of Tax; Brackets
Section 7-217 Tax Constitutes Debt
Section 7-218 Vendor's Duty to Collect Tax; Penalties
Section 7-219 Returns and Remittances; Discounts
Section 7-220 Interest and Penalties; Delinquency
Section 7-221 Waiver of Interest and Penalties
Section 7-222 Erroneous Payments; Claim for Refund
Section 7-223 Fraudulent Returns
Section 7-224 Records Confidential
Section 7-225 Amendments
Section 7-226 Provisions Cumulative

CHAPTER 3
TELEPHONE EXCHANGE FEE
Section 7-301 Fee Levied on Telephone Exchanges
Section 7-302 Fee to be in Lieu of Other Fees, Taxes

CHAPTER 4
UTILITIES TAX
Section 7-401 Fee on Utilities Levied

CHAPTER 5
USE TAX
Section 7-501 Excise Tax on Storage, Use or Other Consumption of Tangible, Personal Property Levied
Section 7-502 Exemptions
Section 7-503 Time When Due - Returns - Payment
Section 7-504 Tax Constitutes Debt
Section 7-505 Collection of Tax by Retailer or Vendor
Section 7-506 Collection of Tax by Retainer or Vendor not Maintaining a Place of Business Within State or Both Within and Without State - Permits
Section 7-507 Revoking Permits
Section 7-508 Remunerative Deductions Allowed Vendors or Retailers of Other States
Section 7-509 Interest and Penalties - Delinquency
Section 7-510 Waiver of Interest and Penalties
Section 7-511 Erroneous Payments - Claim for Refund
Section 7-512 Fraudulent Returns
Section 7-513 Records Confidential
Section 7-514 Provisions Cumulative
Section 7-515 Provisions Severable
Section 7-516 Definitions
Section 7-517 Tax Collector Defined
Section 7-518 Classification of Taxpayers
Section 7-519 Subsisting State Permits
Section 7-520 Purposes of Revenue

CHAPTER 6
TAX ON NON-FRANCHISE TAX HOLDERS
Section 7-601 Tax Levied

Section 7-602 Payment
Section 7-603 Failure to Pay
Section 7-604 Lien of Tax

PART 8
HEALTH AND SANITATION
CHAPTER 1
WEEDS AND TRASH
Section 8-101 Accumulation of Trash or Weeds Unlawful
Section 8-102 Definitions
Section 8-103 Reports of Accumulation of Grass, Weeds, or Trash on Property
Section 8-104 Receipt of Report, Hearing, and Notice
Section 8-105 Work Done by Employees or Contract
Section 8-106 Determination and Assessment of Costs
Section 8-107 Lien on Property, Civil Remedy
Section 8-108 Service of Notice
Section 8-109 Unlawful to Deposit Rubbish
Section 8-110 Burning Refuse
Section 8-111 Lifting of Fire Code Restrictions for Individual Burning
Section 8-112 Removal of Dead Animals
Section 8-113 Unlawful to Litter
Section 8-114 Unlawful to Litter from Automobiles
Section 8-115 Litter not to Accumulate on Property
Section 8-116 Dilapidated Structures
Section 8-117 Penalty
CHAPTER 2
FOOD REGULATIONS
Section 8-201 U.S. Food Service Sanitation Ordinance Adopted
Section 8-202 Milk Ordinance Adopted
Section 8-203 Grade Requirements
Section 8-204 Grease and Oil Traps or Interceptors for Food Service Providers or Establishments
Section 8-205 Garbage and Rubbish Disposal for Food Service Providers or Establishments
Section 8-206 Violation; Penalty
CHAPTER 3
NUISANCES
Section 8-301 Nuisance Defined; Public Nuisances; Private Nuisances
Section 8-302 Persons Responsible
Section 8-303 Time does not Legalize
Section 8-304 Remedies Against Public Nuisances
Section 8-305 Remedies Against Private Nuisances
Section 8-306 City Power to Define and Summarily Abate Nuisances
Section 8-307 Certain Public Nuisances in the City Defined
Section 8-308 Summary Abatement of Nuisances
Section 8-309 Abatement by Suit in District Court
Section 8-310 Nuisance Unlawful
Section 8-311 Health Nuisances; Abatement
Section 3-312 Toilet Facilities Required; Nuisance
Section 8-313 Procedure Cumulative
CHAPTER 4
ENFORCEMENT AND PENALTY
Section 8-401 County Health Department Designated to Enforce Health Ordinances
Section 8-402 Obstructing Health Officer
Section 8-403 Quarantine; Violations
Section 8-404 Penalty

CHAPTER 5
JUNKED MOTOR VEHICLES
Section 8-501 Abandoned Autos as Nuisance; Definitions
Section 8-502 Storing, Parking or Leaving Dismantled or Other Such Motor Vehicle Prohibited; Declared Nuisance; Exceptions
Section 8-503 Notice to Remove
Section 8-504 Responsibility for Removal
Section 8-505 Notice Procedure
Section 8-506 Content of Notice
Section 8-507 Request for Hearing, Administrative Hearing Officer Position Created and Right to Appeal Where City Undertakes Removal
Section 8-508 Procedure for Hearing
Section 8-509 Removal of Motor Vehicle from Property
Section 8-510 Notice of Removal
Section 8-511 Disposition of Vehicles
Section 8-512 Contents of Public Sale Notice
Section 8-513 Public Sale
Section 8-514 Redemption of Impounded Vehicles
Section 8-515 Abandonment of Vehicles
Section 8-516 Impounding
CHAPTER 6
REMEDIATION OF REAL PROPERTY CONTAMINATED BY METHAMPHETAMINE AND OTHER NOXIOUS, HAZARDOUS OR TOXIC SUBSTANCES ACTIVITY
Section 8-601 Purpose and Intent
Section 8-602 Definitions
Section 8-603 Reports of Methamphetamine or Other Noxious, Hazardous and Toxic Substance Activity
Section 8-604 Prohibition of Occupancy
Section 8-605 Notice of Contamination
Section 8-606 Assessment and Remediation
Section 8-607 Acceptable Levels of Contamination
Section 8-608 Cleanup and Safety Standards
Section 8-609 Final Report
Section 8-610 Penalty
CHAPTER 7
PROHIBITION FOR TOBACCO PRODUCTS AT CITY FACILITIES, IN CITY PARKS AND AT CITY RECREATIONAL AREAS
Section 8-701 Definitions
Section 8-702 Prohibition of Tobacco Products and Vapor Products on City Parks and City Recreational Areas
Section 8-703 Enforcement
Section 8-704 Penalty

PART 9
LICENSING AND BUSINESS REGULATIONS

CHAPTER 1
OCCUPATIONAL LICENSE FEES
Section 9-101 License Fee Levied on Certain Occupations
Section 9-102 Ex-Service Persons
Section 9-103 Separate Licenses Required
Section 9-104 License to be Displayed
Section 9-105 License may be Revoked
Section 9-106 Transfer of License Prohibited
Section 9-107 Duplicate License

Section 9-108 Penalty
CHAPTER 2
ITINERANT VENDORS
Section 9-201 Definitions
Section 9-202 License Required
Section 9-203 Application
Section 9-204 Hours
Section 9-205 License Fee
Section 9-206 Transfer
CHAPTER 3
OTHER PROVISIONS
Section 9-301 Second-Hand and Rummage Sales, Tax
Section 9-302 Penalty
Section 9-303 Coin-Operated Devices
Section 9-304 Repealed
Section 9-305 Repealed
Section 9-306 Repealed
Section 9-307 Repealed
CHAPTER 4
MEDICAL MARIJUANA ESTABLISHMENTS
Section 9-401 Adoption of State Statutes and Regulations
Section 9-402 Business License
Section 9-403 Location Restrictions
Section 9-404 Conditions of Operation
Section 9-405 Commercial Marijuana Growing Facilities and Processing Facilities
Section 9-406 Marijuana Growing Facilities for Personal Use
Section 9-407 Construction, Fire and Building Inspections and other Requirements

PART 10
OFFENSES AND CRIMES
CHAPTER 1
OFFENSES IN GENERAL
Section 10-101 Attempts to Commit an Offense
Section 10-102 Aiding in an Offense
CHAPTER 2
OFFENSES AGAINST PROPERTY
Section 10-201 Petit Larceny Prohibited
Section 10-202 Injuring Automobiles and Other Vehicles
Section 10-203 Destroying or Injuring Buildings and Other Property
Section 10-204 Placing Signs on Property of Another
Section 10-205 Throwing or Shooting at Persons or Property
Section 10-206 Tampering with or Damaging Public Utilities
Section 10-207 Unlawful Intrusion Upon Land
Section 10-208 Illegal Entrance
Section 10-209 Throwing Advertising on Street, Prohibited
Section 10-210 Throwing Injurious Substances
Section 10-211 Injury to Plants and Trees
Section 10-212 Public Streets and Trees
Section 10-213 Trespass Prohibited
Section 10-214 Parking on Property of Another
Section 10-215 Interference with Fire Hydrants
CHAPTER 3
OFFENSES AGAINST THE PUBLIC
Section 10-301 Disturbing the Peace
Section 10-302 Insulting Signs; Literature or Language
Section 10-303 Fireworks Regulated
Section 10-304 Storing or Keeping Explosives; Nitroglycerine Prohibited

Section 10-305 Carrying Weapons; Exceptions
Section 10-306 Reckless Conduct
Section 10-307 Discharging Firearms; Exceptions
Section 10-308 Loud Noise or Music Prohibited; Amplified Sound
Section 10-309 Target Shooting Prohibited
Section 10-310 Laser Pointer
CHAPTER 4
OFFENSES AGAINST THE HEALTH, WELFARE AND MORALS
Section 10-401 Public Intoxication and Drinking Prohibited
Section 10-402 Possession; Intoxicating and Nonintoxicating Beverages
Section 10-403 Intoxicating Liquors
Section 10-404 Marijuana Prohibited
Section 10-405 Prostitution
Section 10-406 Disorderly House
Section 10-407 Maintaining or Leasing a Disorderly House
Section 10-408 Residents and Visitors to Disorderly House
Section 10-409 Definitions, Obscenity Regulations
Section 10-410 Prohibited Obscene Conduct
Section 10-411 Vagrancy Defined for Specific Acts, Offenses
Section 10-412 Curfew for Children
Section 10-413 Sleeping in Public
Section 10-414 Begging Prohibited
Section 10-415 Gambling Prohibited
Section 10-416 Being About Place Where Gambling is Going On
Section 10-417 Harmful Deception
Section 10-418 False or Bogus Checks
Section 10-419 Swindling Unlawful
Section 10-420 Electric Fences
Section 10-421 Prevention of Youth Access To Tobacco
Section 10-422 Marijuana

CHAPTER 5
OFFENSES AGAINST PERSONS
Section 10-501 Assault and Battery Prohibited
CHAPTER 6
OFFENSES AGAINST PUBLIC AUTHORITY
Section 10-601 Resisting an Officer
Section 10-602 Refusing or Failing to Assist an Officer
Section 10-603 Assault or Battery Upon Police or Other Law Officer
Section 10-604 Rescuing Prisoners
Section 10-605 Escape of Prisoners
Section 10-606 Impersonating an Officer or Employee
Section 10-607 False Alarms
Section 10-608 False Representation to an Officer
Section 10-609 Removal of Barricades
Section 10-610 Resisting Public Officials
CHAPTER 7
PENALTIES
Section 10-701 General Penalties

PART 11
PARKS, RECREATION AND CULTURAL AFFAIRS
CHAPTER 1
LIBRARY
Section 11-101 Library
Section 11-102 Library Board, Board of Directors
Section 11-103 Term of Office

Section 11-104 Directors, Removal
Section 11-105 Board, Vacancies
Section 11-106 Organization, Powers and Duties of Board
Section 11-107 Rules and Regulations
Section 11-108 Annual Report of Board
Section 11-109 Trustees of Donations
Section 11-110 Violations
Section 11-111 Protection of Library
CHAPTER 2
CEMETERY
Section 11-201 Creation of Cemetery Board
Section 11-202 Functions of Board
Section 11-203 Compensation
Section 11-204 Care Fund Established
Section 11-205 Appropriation of Income to Fund
Section 11-206 Price of Lots
Section 11-207 Interment Fee
Section 11-208 Fee for Setting Monument or Marker
Section 11-209 Coping, Walk or Wall not to be Installed
Section 11-210 Sale and Conveyance of Lots
Section 11-211 Payment before Interment
Section 11-212 Clerk to Issue Burial Permits
Section 11-213 Record of Lot Sales
Section 11-214 Employment of Sexton
Section 11-215 Erection of Monuments, Improvements and Embellishments
Section 11-216 Driving Automobiles or Vehicles in Cemetery
Section 11-217 Grave Lot Price, Opening and Closing Fees
Section 11-218 Removal of Wreaths
Section 11-219 Party Making Installations and Erections Assume Risk
Section 11-220 Damage to Installations or Erections at Cemetery
Section 11-221 Penalty
CHAPTER 3
LAKES
Section 11-301 Rules and Regulations
Section 11-302 Penalty
CHAPTER 4
PARK REGULATIONS
Section 11-401 Park Regulations

PART 12
PLANNING, ZONING AND DEVELOPMENT

CHAPTER 1
PLANNING COMMISSION
Section 12-101 Created; Membership
Section 12-102 Organization; Meetings; Officers and Employees
Section 12-103 Powers and Duties
CHAPTER 2
FLOOD DAMAGE PREVENTION
Section 12-201 Statutory Authorization
Section 12-202 Findings of Fact
Section 12-203 Statement of Purpose
Section 12-204 Methods of Reducing Flood Losses
Section 12-205 Definitions
Section 12-206 Lands to Which Special Flood Hazard Applies
Section 12-207 Basis for Establishing the Areas of Special Flood Hazard
Section 12-208 Establishment of Development Permit
Section 12-209 Compliance

Section 12-210 Abrogation and Greater Restrictions
Section 12-211 Interpretation
Section 12-212 Warning and Disclaimer or Liability
Section 12-213 Designation of the Floodplain Administrator
Section 12-214 Duties and Responsibilities of the Floodplain Administrator
Section 12-215 Permit Procedures
Section 12-216 Variance Procedures
Section 12-217 Provisions for Flood Hazard Reduction; General Standards
Section 12-218 Provisions for Flood Hazard Reduction; Specific Standards
Section 12-219 Standards for Subdivision Proposals
Section 12-220 Standards for Areas of Shallow Flooding (AO/AH Zones)
Section 12-221 Floodways
Section 12-222 Penalties for Noncompliance

CHAPTER 3
ANNEXATIONS
Section 12-301 Cost Deposit Required
Section 12-203 Amount of Deposit

PART 13
PUBLIC SAFETY

CHAPTER 1
FIRE PREVENTION CODE
Section 13-101 Adoption of Fire Prevention Code
Section 13-102 Enforcement
Section 13-103 Definition
Section 13-104 Limits for Storage of Flammable Liquids, Bulk Storage of Liquefied Petroleum Gases, Explosives and Blasting Agents
Section 13-105 Modifications
Section 13-106 Appeals
Section 13-107 Penalty

CHAPTER 2
FIRE DEPARTMENT AND SERVICE
Section 13-201 Fire Department
Section 13-202 Duties of the Fire Chief
Section 13-203 Duties of the Assistant Chief
Section 13-204 Company Officers
Section 13-205 The Secretary-Treasurer
Section 13-206 New Members
Section 13-207 Bylaws
Section 13-208 Rules and Regulations
Section 13-209 Use of Fire Equipment; Inventory and Repair
Section 13-210 Contracts Authorized Outside City Limits
Section 13-211 Contract Terms, Fees for Service
Section 13-212 Authority to Answer Calls
Section 13-213 Firefighters Serving in Regular Line of Duty
Section 13-214 Department Considered Agent of State

CHAPTER 3
POLICE DEPARTMENT
Section 13-301 Police Department Created; Chief
Section 13-302 Duties
Section 13-303 Police Officers

CHAPTER 4
EMERGENCY MANAGEMENT AGENCY
Section 13-401 Purpose of Emergency Management Agency
Section 13-402 Emergency Management Agency Created
Section 13-403 Emergency Management Director; Powers and Duties
Section 13-404 Emergency Management Director; Further Powers and Duties

Section 13-405 Emergency Management Director; Emergency Powers
Section 13-406 Mayor to Terminate Emergencies
Section 13-407 Enforcement of Laws and Ordinances
Section 13-408 Service Without Compensation; Not Liable for Injuries

PART 14
STREETS AND PUBLIC WORKS
CHAPTER 1
USE AND OBSTRUCTION OF STREETS
Section 14-101 Trees and Shrubbery to be Trimmed
Section 14-102 Unlawful to Injure Trees and Shrubbery
Section 14-103 Unlawful to Obstruct Sidewalks, Parkways, Streets and Alleys with Merchandise
Section 14-104 Unlawful to Unduly Obstruct Sidewalks and Streets
Section 14-105 Unlawful to Deposit Trash Upon Streets or Sidewalks
Section 14-106 Unlawful to Play on Streets
Section 14-107 Vehicles Not to be Washed on Street
Section 14-108 Water, Mud from Vehicle Not to Drain onto Street
Section 14-109 Water from Filling Stations and Other Businesses
Section 14-110 Owner or Occupant Not to Permit Sidewalk or Sidewalk Area to Become a Hazard
Section 14-111 Street Not to be Obstructed so as to Interfere with Drainage
Section 14-112 Unlawful to Cut Streets, Alleys, Curbs, Permits, Notice to City
Section 14-113 Fees
Section 14-114 Unlawful Placement of Pipes or Pipelines under the Streets and Alleys
Section 14-115 Dynamic Braking Services Prohibited
Section 14-116 Penalty
CHAPTER 2
DRAINAGE DITCHES
Section 14-201 Approval to Change a Drainage Ditch
Section 14-202 Proposed Changes to be Submitted to Mayor, Whistles Installed
Section 14-203 Violations may be Removed by City
CHAPTER 3
SIDEWALKS, ADJACENT IMPROVEMENTS
Section 14-301 Permits for Improvements
Section 14-302 Permitted Structures
Section 14-303 Rights Granted Revocation
Section 14-304 Existing Improvements
Section 14-305 Penalty
CHAPTER 4
CLOSING PUBLIC WAYS AND EASEMENTS
Section 14-401 Procedure and Notice for Closing Ways and Easements
Section 14-402 Additional Notice to Abutting Owners Where Open and Used by Public
Section 14-403 Publication

PART 15
TRAFFIC AND VEHICLES
CHAPTER 1
GENERAL PROVISIONS AND ADMINISTRATION
Section 15-101 Definitions
Section 15-102 Application of Regulations
Section 15-103 Vehicle Equipment Generally
Section 15-104 Size, Weight, and Width of Vehicles - Permit Required
Section 15-105 Securing Loads
Section 15-106 Inspection of Vehicles by Officers
Section 15-107 Opening and Closing Vehicle Doors
Section 15-108 Boarding or Alighting from Vehicles
Section 15-109 Unlawful Riding
Section 15-110 Authorizing or Permitting Violations Prohibited

Section 15-111 Application to Animal-Drawn Vehicles
Section 15-112 Working on Streets; Exceptions
Section 15-113 Authorized Emergency Vehicles
Section 15-114 Approach of Authorized Emergency Vehicles
Section 15-115 Following Fire Apparatus Prohibited
Section 15-116 Crossing Fire Hose
Section 15-117 Duty of Police
Section 15-118 Accidents, Duty to Stop, Leaving Scent of Accident
Section 15-119 Issuance of Citation Tags
Section 15-120 Failure to Obey Citation
Section 15-121 Failure to Comply with Traffic Citations Attached to Parked Vehicle
Section 15-122 Illegal Cancellation of Traffic Citations
Section 15-123 Disposition of Records of Traffic Citations, Warrants, and Complaints
Section 15-124 Court Records, Abstract to be sent to State Department of Public Safety
Section 15-125 Eluding Police Officer Prohibited
Section 15-126 Adoption of State Traffic Code
Section 15-127 Insurance or Certificate Required

CHAPTER 2
OPERATION OF VEHICLES GENERALLY, PARKING AND SPEEDING

ARTICLE A
GENERAL PROVISIONS

Section 15-201 Operation of Vehicles Generally
Section 15-202 Driver=s License Required
Section 15-203 Vehicle License Required
Section 15-204 Unlicensed Vehicles
Section 15-205 Starting a Parked Vehicle
Section 15-206 Drive on Right Side of Roadway; Exceptions
Section 15-207 Right-of-Way Generally
Section 15-208 Vehicle Turning Left
Section 15-209 Driving Under the Influence of Intoxicating Liquor or Narcotics
Section 15-210 Driving on Sidewalk
Section 15-211 Limitations on Backing
Section 15-212 Corner Cutting
Section 15-213 Emerging from Alley, Driveway or Building
Section 15-214 Transporting Hazardous, Toxic Materials in City Prohibited
Section 15-215 Full time and Attention to Driving
Section 15-216 New Drivers Prohibited from Using a Hand-Held Electronic Device while Operating a Motor Vehicle

ARTICLE B
SPEEDING REGULATIONS

Section 15-217 General Rule for Speed Regulations
Section 15-218 General Maximum Speed Limit

ARTICLE C
PARKING REGULATIONS

Section 15-219 Obstructing Traffic or Driveways
Section 15-220 Park within Indicated Space
Section 15-221 Proximity to Curb, Parallel Parking
Section 15-222 Angle Parking, Designation
Section 15-223 Obedience to Angle Parking Rules
Section 15-224 Parking Prohibitions in Specific Areas
Section 15-225 Parking Prohibitions on Certain Streets, more than Twenty-Four (24) Hours
Section 15-226 Designation of Loading Zones
Section 15-227 Standing in Loading Zone
Section 15-228 Prohibition against Selling Merchandise from Parked Vehicles
Section 15-229 Presumption in Reference to Illegal Parking
Section 15-230 Handicapped Parking, Enforcement on Public or Private Property
Section 15-231 Stopping, Standing or Parking Outside of Business or Residence Districts

Section 15-232 Parking More than Two (2) Hours on Main Street Prohibited
Section 15-233 Negligent Parking
ARTICLE D
TURNING AND SIGNALS
Section 15-234 Required Position, Method of Turning at Intersections
Section 15-235 Turns and U-Turns
Section 15-236 Turning, Stopping Signals Required
Section 15-237 J-Turns
CHAPTER 3
TRAFFIC SIGNALS AND DEVICES
Section 15-301 Obedience to Devices
Section 15-302 Necessity of Signs
Section 15-303 Interference with Devices, or Signs or Signals
Section 15-304 Presumption of Legality
Section 15-305 Ratification of Existing Devices
Section 15-306 Traffic-Control Signal Legend
Section 15-307 Flashing Signals
Section 15-308 Driving within Traffic Lanes
Section 15-309 One-Way Streets, Alleys Designation
Section 15-310 Designation of Through Streets
Section 15-311 Signs at Through Streets
Section 15-312 Procedures at Stop Signs
Section 15-313 Procedures at Yield Signs
CHAPTER 4
BICYCLES
Section 15-401 Regulations Applicable Generally
Section 15-402 Traffic Laws and Regulations Apply
Section 15-403 Obedience to Traffic-Control Devices
Section 15-404 Riding on Bicycles
Section 15-405 Use Right Side of Roadway
Section 15-406 Riding Abreast
Section 15-407 Speed
Section 15-408 Riding on Sidewalks
Section 15-409 Lights and Reflectors
CHAPTER 5
IMPOUNDMENT OF VEHICLES
Section 15-501 Purpose and Effect of Impoundment Provisions
Section 15-502 Place of Impoundment
Section 15-503 Duration of Impoundment
Section 15-504 Police Granted Authority to Impound Vehicles
Section 15-505 Disabled Vehicles
Section 15-506 Vehicles on Bridge
Section 15-507 Arrest and Detention of Driver of Vehicle
Section 15-508 Vehicle Constitutes Traffic Hazard
Section 15-509 Illegal Trespass by Vehicle
Section 15-510 Vehicles Parked Overtime
Section 15-511 Vehicles Blocking Fire Exits or Hydrants
Section 15-512 Vehicles Parked in Intersection
Section 15-513 Stolen Vehicles; Recovery by Police
Section 15-514 Vehicles with Outstanding Traffic Citations
Section 15-515 Inventory of Impounded Vehicles
CHAPTER 6
PENALTIES
Section 15-601 Penalty for Violations

PART 16
TRANSPORTATION

CHAPTER 1
RAILROADS
Section 16-101 Railroads to Improve Streets and Alleys
Section 16-102 Sidewalks to be Constructed by Railroads
Section 16-103 Climbing on Trains
Section 16-104 Speed Limit for Trains
CHAPTER 2
(RESERVED)

PART 17
UTILITIES

CHAPTER 1
GENERAL PROVISIONS
Section 17-101 Lease of System
Section 17-102 Penalty, Adoption by Reference
Section 17-103 Duties Regarding Delinquent Utility Bills and Charges, Hearings and Appeals, Suits
Section 17-104 Failure to Pay Utility Bills; Penalty and Disconnection of Service
Section 17-105 Utility Transfer Fee
Section 17-106 Mandatory Utility Deposit
Section 17-107 Reduction of Deposit Amount for Tenants
Section 17-108 Waiver of Utility Deposits for Residences and Tenants
Section 17-109 Refund of Current Deposits
Section 17-110 Waiver of Utility Deposits for Residences and Tenants
Section 17-111 Collection of Damages for Tampering With City Utilities
Section 17-112 Valid Mailing Address
Section 17-113 Landlord Responsibilities
CHAPTER 2
REFUSE COLLECTION AND DISPOSAL
Section 17-201 Solid Waste Collection
Section 17-202 Definitions
Section 17-203 Providing Containers
Section 17-204 Size and Weight Restrictions
Section 17-205 Yard, Shrub or Tree Trimmings, Grass, Leaves
Section 17-206 Placement of Containers for Collection
Section 17-207 Unlawful Acts
Section 17-208 Prohibited Materials
Section 17-209 Contract and Disposal
Section 17-210 Fees
Section 17-211 Penalty
CHAPTER 3
WATER DISTRICT REGULATIONS
Section 17-301 Application for Water Service
Section 17-302 One Premise to a Tap, Subsidiary Connection and Cross Connection Prohibited
Section 17-303 Turning on Water
Section 17-304 Water May be Cut Off
Section 17-305 Water to be Turned Back on Only by Authority
Section 17-306 Customers to Keep Service Pipes in Good Repair, not to Waste Water
Section 17-307 Water Service Beyond the Corporate Limits, Written Agreements Required
Section 17-308 Water Shortages, Declaration of Emergency
Section 17-309 Restriction on Water Use in Emergency
Section 17-310 Proclamation and Notice of Emergency
Section 17-311 Grievances with Water Restrictions
Section 17-312 Mandatory Water, Sewer Hookups
Section 17-313 Water Taps and Connections; Fees
Section 17-314 Water and Waste Water Rates
CHAPTER 4
SEWER SYSTEM

Section 17-401 Prohibited Discharges
Section 17-402 New Sewers and Connections
Section 17-402 Sewer Taps and Connections; Fees
CHAPTER 5
IDENTITY THEFT PREVENTION PROGRAM
Section 17-501 Short Title
Section 17-502 Purpose
Section 17-503 Definitions
Section 17-504 Findings
Section 17-505 Process of Establishing a Covered Account
Section 17-506 Access to Covered Account Information
Section 17-507 Credit Card Payments
Section 17-508 Sources and Types of Red Flags
Section 17-509 Prevention and Mitigation of Identity Theft
Section 17-510 Updating the Program
Section 17-511 Program Administration
Section 17-512 Outside Service Providers
Section 17-513 Treatment of Address Discrepancies

APPENDICES

Appendix 1 Gas Franchise
Appendix 2 Cable TV Franchise

PART 1
GENERAL PROVISIONS

CHAPTER 1
USE AND CONSTRUCTION OF THE CODE

Section 1-101	How Code Designated and Cited
Section 1-102	Rules of Construction
Section 1-103	Catchlines of Sections; Citations
Section 1-104	Effect of Repeal of Ordinances
Section 1-105	Severability of Parts of Code
Section 1-106	Amendment to Code; Effect of New Ordinances; Amendatory Language
Section 1-107	Altering Code
Section 1-108	General and Specific Penalties
Section 1-109	Fines Recoverable by Civil Action
Section 1-110	Ordinances in Effect in Outlying Territory of City

CHAPTER 2
CORPORATE AND WARD LIMITS

Section 1-201	Map of City Designated as Official Map
Section 1-202	Ward Boundaries
Section 1-203	Annexation Procedures, Deposits Required

CHAPTER 1
USE AND CONSTRUCTION OF THE CODE

Section 1-101	**How Code Designated and Cited**
Section 1-102	**Rules of Construction**
Section 1-103	**Catchlines of Sections; Citations**
Section 1-104	**Effect of Repeal of Ordinances**
Section 1-105	**Severability of Parts of Code**
Section 1-106	**Amendment to Code; Effect of New Ordinances; Amendatory Language**
Section 1-107	**Altering Code**
Section 1-108	**General and Specific Penalties**
Section 1-109	**Fines Recoverable by Civil Actions**
Section 1-110	**Ordinances in Effect in Outlying Territory of City**

SECTION 1-101 HOW CODE DESIGNATED AND CITED

The provisions embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, City of Shidler, Oklahoma," and may be so cited.

State Law Reference: Adoption and revision of codes of ordinances, 11 O.S. Sections 14-108 and 14-109.

SECTION 1-102 RULES OF CONSTRUCTION

In the construction of this Code and of all Ordinances, the following rules are observed unless the construction would be inconsistent with the manifest intent of the City Council.

1. "City" means the City of Shidler and "City Council" means the City Council of the City of Shidler, Oklahoma;

2. "Computation of time". Whenever a notice is required to be given or an act to be done, a certain length of time before any proceeding shall be had, the date on which the notice is given or the act is done shall be counted in computing the time, but the day on which the proceeding is to be had shall not be counted;

3. "County" or "this County" means the County of Osage County;

4. "Gender". A word importing one gender only shall extend and be applied to other genders and to firms, partnerships, and corporations as well;

5. "Joint Authority". All words giving "joint authority" to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers;

6. "Law" includes applicable federal law, provisions of the Constitution and statutes of the State of Oklahoma, the Ordinances of the City and, when appropriate, any and all rules and regulations promulgated thereunder;

7. "Mayor" means the mayor of the City;

8. "Month" means a calendar month;

9. "Nontechnical and technical words". Words and phrases which are not specifically defined shall be construed according to the common and accepted usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning;

10. "Number". A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing. Words used in the plural number may also include the singular unless a contrary intention plainly appears;

11. "Oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases, the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed";

12. "or, and". "Or" may be read "and," and "and" may be read "or," if the sense requires it;

13. "Other officials or officers, etc." Whenever reference is made to officers, agencies or departments by title only, i.e., "clerk", "city clerk", "city attorney", "fire chief", "chief of police", etc., they shall mean the officers, agencies or departments of the City;

14. "Person" shall extend and be applied to an actual person, any persons and to associations, clubs, societies, firms, partnerships, and bodies politic and corporate, or the manager, lessee, agent, servant, officer or employee of any of them, unless a contrary intention plainly appears;

15. "Preceding, following" means next before and next after, respectively;

16. "Property" shall include real and personal property;

17. "Signature or subscription" includes a mark when a person cannot write;

18. "State" or "this State" shall be construed to mean the State of Oklahoma;

19. "Statutory references" means references to statutes of the State of Oklahoma as they now are or as they may be amended to be;

20. "Street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts, highways, courts, places, squares, curbs and all other public ways in the City which are dedicated and open to public use;

21. "Tense". Words used in the past or present tense include the future as well as the past and present;

22. "Week" means seven (7) days; and

23. "Year" means a calendar year.

SECTION 1-103 CATCHLINES OF SECTIONS; CITATIONS

The catchlines of Sections in this Code are printed in **CAPITAL LETTERS** and citations included at the end of Sections are intended to indicate the contents of the Section and original historical source respectively, and shall not be deemed or taken to be titles and official sources of such Sections; nor as any part of the Section, nor, unless expressly so provided, shall they be so deemed when any of the Sections, including the catchlines, or citations, are amended or re-enacted.

SECTION 1-104 EFFECT OF REPEAL OF ORDINANCES

A. The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

B. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

SECTION 1-105 SEVERABILITY OF PARTS OF THE CODE

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, or section of this Code or of any ordinance in the Code shall be declared unconstitutional, illegal or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code of Ordinances.

SECTION 1-106 AMENDMENT TO CODE; EFFECT OF NEW ORDINANCES; AMENDATORY LANGUAGE

A. All ordinances passed subsequent to this Code or ordinances which amend, repeal or in any way affect this Code of Ordinances may be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsequent ordinances repeal any chapter, Section or Subsection or any portion thereof, the repealed portions may be excluded from this Code by omission from reprinted pages.

B. Amendments to any of the provisions of this Code may be made by amending the provisions by specific reference to the section of this Code in substantially the following language: "Be it ordained by the City Council of the City of Shidler, Oklahoma that Section _____ of the Code of Ordinances of the City of Shidler, Oklahoma, is hereby amended to read as follows:" (Set out new provisions in full.)

C. When the City Council desires to enact an Ordinance of a general and permanent nature on a subject not heretofore existing in the Code, which the City desires to incorporate into the Code, a section in substantially the following language ma be made part of the Ordinance.

"Section ___ Be it ordained by the City Council of the City of Shidler, Oklahoma, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Shidler, Oklahoma, and the Sections of this Ordinance may be renumbered accomplish this intention."

D. All Sections, articles, chapters, or provisions of this Code desired to be repealed may be specifically repealed by section or chapter number, as the case may be.

State Law Reference: Enactment of Ordinances, 11 O.S. Sections 14-103 et seq.

SECTION 1-107 ALTERING CODE

It is unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with this Code in any manner whatsoever which will cause the law of the City to be misrepresented thereby. Any person violating this Section shall be punished as provided in Section 1-108 of this Code.

SECTION 1-108 GENERAL AND SPECIFIC PENALTIES

A. Except as otherwise provided by State law, whenever in this Code or in any Ordinance of the City an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in the Code or Ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, when no specified penalty is provided therefor, the violation of any provision of this Code or of any Ordinance, upon conviction, shall be punished by a fine not exceeding Five Hundred Dollars ($500.00). Each day or any portion of a day during which any violation of this Code or of any Ordinance shall continue shall constitute a separate offense. (Ord. No. 2008-02-02 02/11/2008)

B. Specific penalties for violations of specific provisions of this Code may be adopted by the City Council from time to time by Motion or Resolution. Such specific penalties as adopted or amended are adopted and incorporated herein by reference.

C. Any persons who shall aid, abet or assist in the violation of any provision of this Code or any other Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in this Section.

SECTION 1-109 FINES RECOVERABLE BY CIVIL ACTION

All fines shall be recoverable by civil action before any Court of competent jurisdiction in addition to any other method provided by law.

SECTION 1-110 ORDINANCES IN EFFECT IN OUTLYING TERRITORY OF CITY

All Ordinances of the City now in effect within the City are hereby extended to all real property belonging to, or under the control of, the City outside the corporate limits of the City, and shall be in full effect therein, insofar as they are applicable. All Ordinances of the City which shall go into effect in the future, shall also apply to, and be in full effect within the boundaries of all outlying real property, insofar as they may be applicable. Any words in any Ordinance indicating that the effect of an Ordinance's provisions is limited to the corporate limits of the City shall be deemed to mean and include also the outlying real property belonging to, or under the control of, the City, unless the context clearly indicates otherwise.

CHAPTER 2
CORPORATE AND WARD LIMITS

Section 1-201	**Map of City Designated as Official Map**
Section 1-202	**Ward Boundaries**
Section 1-203	**Annexation Procedures; Deposits Required**

SECTION 1-201 MAP OF CITY DESIGNATED AS OFFICAL MAP

The map of the City showing its territorial limits is hereby designated as the official map of the City, and the corporate limits as shown thereon are declared to be the true and correct corporate limits of the City, including all annexations made to the City through and including the date of January 1, 1990.

Cross Reference: See also Special Ordinance listing for ordinances annexing and de-annexing territory.

SECTION 1-202 WARD BOUNDARIES

The City is divided into four (4) wards as follows:

A. Ward One boundaries are as follows: The Northern, Eastern and Western boundaries shall be the municipal boundaries of the City of Shidler, Osage County, Oklahoma. The Southern boundary shall be Fourth Street from the Eastern municipal boundary of the City West to Cosden Avenue, thence North one block to Fifth Street and continuing West on Fifth Street to the Western municipal boundary of the City;

B. Ward Two boundaries are as follows: The Eastern and Western boundaries shall be the municipal boundaries of the City of Shidler, Osage County, Oklahoma. The Northern boundary shall be Fourth Street from the Eastern municipal boundary of the City West to Cosden Avenue, thence North one block to Fifth Street and continuing West on Fifth Street to Western boundary of the City. The Southern boundary shall be First Street beginning at the Eastern boundary of the City, thence West to Cosden Avenue, thence North one block to Second Street and continuing West on Second Street to the Western municipal boundary of the City;

C. Ward Three boundaries are as follows: The Eastern and Western boundaries shall be the municipal boundaries of the City of Shidler, Osage County, Oklahoma. The Northern boundary shall be First Street beginning at the Eastern boundary of the City, thence West to Cosden Avenue, thence North one block to Second Street and continuing West on Second Street to the Western municipal boundary of the City. The Southern boundary shall be Barber Street beginning at the Eastern boundary of the City, thence West to Cosden Avenue, thence North one block to Grand Street and continuing West on Grand Street to the Western municipal boundary of the City; and

D. Ward Four boundaries are as follows: The Eastern, Southern and Western boundaries shall be the municipal boundaries of the City of Shidler, Osage County, Oklahoma. The Northern boundary shall be Barber Street beginning at the eastern boundary of the City, thence West on Barber Street to Cosden Avenue, thence North one block to Grand Street and continuing West on Grand Street to the western municipal boundary of the City. (Amended 1992)

State Law Reference: Requirements for establishing wards, 11 O.S. Sections 2-105, 20-101; Review after each federal census, 11 O.S. Section 20-101.

SECTION 1-203 ANNEXATION PROCEDURES, DEPOSITS REQUIRED

A. In all cases where individuals initiate annexation by the filing of a petition therefore, the Clerk shall require before accepting the petition for filing a cost deposit in accordance with Subsection B of this Section.

B There shall be deposited by any petitioner for annexation the sum as set by the Council made payable to the City Clerk which sum shall be used for publication costs, filing fee and all other costs incident thereto, if any. Should there by any unused amount, then and in that event, same should be refunded to the petitioner regardless of the outcome and decision of the City Council. If there is addition cost or expense, then and in that event, the clerk should forthwith bill the petitioner therefore.

PART 2
ADMINISTRATION AND GOVERNMENT

CHAPTER 1
CITY COUNCIL

Section 2-101	General Powers
Section 2-102	City Council
Section 2-103	Meetings of the City Council
Section 2-104	Rules of Order and Procedure
Section 2-105	Elections Required

CHAPTER 2
MAYOR

Section 2-201	Election and Duties of the Mayor

CHAPTER 3
CITY OFFICERS AND PERSONNEL

Section 2-301	City Clerk; Additional Duties for Office Management
Section 2-302	City Treasurer; Additional Duties as Prescribed
Section 2-303	Deputy Clerk and Deputy Treasurer
Section 2-304	City Attorney, Appointment and Duties
Section 2-305	Health Officer
Section 2-306	Other Personnel, Appointments, Removals
Section 2-307	Bonds
Section 2-308	Salaries of Elected Officials
Section 2-309	Compensation of Employees, Number and Classes of Personnel
Section 2-310	Salaries of Certain Officers not to be Changed after Election or Appointment
Section 2-311	Oaths
Section 2-312	Officers to Continue until Successors are Elected and Qualify

CHAPTER 4
SOCIAL SECURITY

Section 2-401	Declaration of Policy to Come Under Coverage
Section 2-402	Execution of Agreement with State Agency
Section 2-403	Withholdings
Section 2-404	Contributions
Section 2-405	Records and Reports
Section 2-406	Exclusions

CHAPTER 5
FIREFIGHTERS PENSION AND RETIREMENT FUND

Section 2-501	State Pension System Adopted
Section 2-502	Fund to be Operated in Accordance with Law
Section 2-503	Contributions to Fund

CHAPTER 6
RECORD RETENTION AND DESTRUCTION

Section 2-601	Record Retention and Destruction

CHAPTER 7
COLLECTION OF DEBTS

Section 2-701	Collection Agency
Section 2-702	Oklahoma Tax Commission Claims

CHAPTER 1
CITY COUNCIL

Section 2-101	**General Powers**
Section 2-102	**City Council**
Section 2-103	**Meetings of the City Council**
Section 2-104	**Rules of Order and Procedure**
Section 2-105	**Elections Required**

SECTION 2-101 GENERAL POWERS

A. Pursuant to the provisions of Section 12-101 of Title 11 of the Oklahoma Statutes, the City shall have all the powers, functions, rights, privileges, franchises and immunities granted, or which may be granted to cities governed by the statutory aldermanic form of government. These powers shall be exercised as provided by law applicable to cities under the City Council form of government, or, if the manner is not prescribed, then in such manner as the City Council may prescribe.

B. The powers, rights and authorities of the City, including the determination of matters of policy, shall be vested in and exercised by the City Council.

State Law Reference; City form of government, 11 O.S. Section 9-101.

SECTION 2-102 CITY COUNCIL

A. The City Council shall consist of four (4) members, with one (1) Council Member elected from each ward in the City.

B. The term of office for a Councilmember shall be four (4) years beginning at 12:00 noon on the second Monday following the general municipal election. The Council Member shall serve until his successor is elected and qualified. The terms of the Council Members shall be staggered so that at one general municipal election, the following Council Members are elected for four (4) year terms:

1. One (1) Councilmember from each ward;
2. Mayor;
3. Street commissioner; and
4. Marshal.

C. At the next general municipal election, the following Officers are to be elected for four-year terms:

1. One Councilmember from each ward; and

2. Treasurer.

D. The resolution of the City Council calling for a general or special election to fill the office of Councilmember shall State the number of four-year terms and the number of unexpired terms, if any, to be filled.

State Law Reference: Governing board, 11 O.S. Sections 9-102, 9-103; Terms of office, 11 O.S. Section 8-102; Elections, 11 O.S. Section 16-205; Vacancies in office of Councilmember, 11 O.S. Section 8-109.

Ed. Note: By Ordinance 68 the City marshal's office was consolidated into the office of street commissioner.

SECTION 2-103 MEETINGS OF THE CITY COUNCIL

A. The City Council shall meet regularly, on the first Wednesday of each month at 6:00 P.M., and at such other times as it may prescribe by Ordinance, resolution, or otherwise, at the City Hall. Where the day for a meeting falls upon a day which is a legal holiday in the State, the meeting shall be held on the next succeeding day which is not a holiday. Special meetings may be called by the Mayor or any four (4) Councilmember's. A majority of all the members of the Council shall constitute a quorum to do business, but a smaller number may adjourn from day to day.

B. Every meeting of the City Council shall be held in the City hall unless, in case of an emergency, the Mayor designates another place in the City for the holding of a special meeting. Any adjourned meeting may be held at any other place within the City designated by the Council.

State Law Reference: Meetings of Councilmember's, 11 O.S. Section 12-107; Open meeting and notice requirements, 25 O.S. Section 301 -314.

SECTION 2-104 RULES OF ORDER AND PROCEDURE

A. The Council may determine its own rules and may compel the attendance of absent members in the manner and under penalties as the Council may prescribe.

B. The order of business for each meeting of the Council may be as posted on the agenda for the meeting.

C. Except as otherwise provided in rules of the Council, Robert's Rules of Order shall govern meetings of the Council.

SECTION 2-105 ELECTIONS REQUIRED

A. Sections 16-301 et seq. of Title 11 of the Oklahoma Statutes provide that the City by virtue of having fewer than one thousand (1,000) residents, elect Officers and consider questions raised by initiative or referendum, pursuant to Sections 15-101 et seq. of Title 11 of the Oklahoma Statutes. Sections 16-301 et seq. also provide that a municipality of fewer than one thousand (1,000) residents may at any time adopt an Ordinance requiring that its Officers shall be elected and initiative and referendum questions shall be decided only through elections conducted by the County Election Board pursuant to Sections 16-101 et seq. of Title 11 of the Oklahoma Statutes.

B. The Officers of the City shall hereby be elected and initiatives and referendum questions shall hereby be decided only through elections conducted by the County Election Board pursuant to Sections 16-101 et seq. of Title 11 of the Oklahoma Statutes.

CHAPTER 2
MAYOR

Section 2-201 Election and Duties of the Mayor

SECTION 2-201 ELECTION AND DUTIES OF THE MAYOR

The Mayor shall preside at meetings of the Council and certify to the correct enrollment of all Ordinances and resolutions passed by it. The Mayor is not considered a member of the Council for quorum or voting purposes, except that he may vote on questions under consideration by the Council only when the Council is equally divided. The Mayor may sign or veto any City Ordinance or resolution passed by the City Council. The Mayor shall be Chief Executive Officer and head of the administrative branch of the City government. He is also recognized as the head of the City government for all ceremonial purposes and by the governor for purposes of military law. He shall have such powers and duties as may be prescribed by law or Ordinance.

State Law Reference: Election of City Mayor, acting Mayor, 11 O.S. Sections 9-103 et seq.

CHAPTER 3
CITY OFFICERS AND PERSONNEL

Section 2-301	**City Clerk; Additional Duties for Office Management**
Section 2-302	**City Treasurer; Additional Duties as Prescribed**
Section 2-303	**Deputy Clerk and Deputy Treasurer**
Section 2-304	**City Attorney; Appointment and Duties**
Section 2-305	**Health Officer**
Section 2-306	**Other Personnel, Appointments, Removals**
Section 2-307	**Bonds**
Section 2-308	**Salaries of Elected Officials**
Section 2-309	**Compensation of Employees, Number and Classes of Personnel**
Section 2-310	**Salaries of Certain Officers not to be Changed After Election or Appointment**
Section 2-311	**Oaths**
Section 2-312	**Officers to Continue Until Successors are Elected and Qualify**

SECTION 2-301 CITY CLERK; ADDITIONAL DUTIES FOR OFFICE MANAGEMENT

A. The City Clerk shall be appointed by the City Council of the City. The appointment and removal of the City Clerk shall be by a majority vote of all of the members of the City Council.

B. The City Clerk shall:

1. Keep the journal of the proceedings of the Council;

2. Enroll in a book kept for that purpose all Ordinances and resolutions passed by the Council;

3. Have custody of documents, records and archives as may be provided by law or Ordinance and have custody of the City seal;

4. Attest and affix the seal of the City to documents as required by law or Ordinance; and

5. Have such other powers, duties and functions as may be prescribed by law or Ordinance or by the Council.

The pay period for the City Clerk shall be every two (2) weeks with the amount paid contingent upon the Clerk's performance of the Clerk's statutory duties of the Office.

B. There is hereby created a position for the performance of such duties relating to the maintenance of the books and records and office operations of the City as the City Council

shall prescribe. The position shall be filled by the person serving as the City Clerk or as otherwise provided by the City Council. The person shall be an employee of the City and shall serve at the pleasure of the City Council. The pay period for such position shall be the same as for other municipal employees. Benefits, holidays and sick leave for such position shall be provided in accordance with any personnel policy or other policy of the City. The City Council may determine the City Clerk's salary by motion. The salary of the position shall not be subject to constitutional restrictions.

State Law Reference: Clerk duties, *Okla. Stat. Ann. tit 11, Section 9-112; Vacancies, Okla. Stat. Ann. tit 11, Section 8-109.*

SECTION 2-302 CITY TREASURER; ADDITIONAL DUTIES PRESCRIBED

A. The City Treasurer shall be appointed by the Mayor with the approval of the City Council. The Treasurer may also be removed by the Mayor with the approval of the City Council. The City Treasurer is an appointed official of the City. The City Treasurer or the Treasurer's designee or Deputy, shall:

1. Maintain accounts and books to show where and from what source all monies paid to him have been derived and to whom and when any monies have been paid;

2. Deposit daily funds received for the City in depositories as the Council may designate; and

3. Have such other powers, duties and functions as may be prescribed by law or Ordinance.

B. There is hereby created a position for the performance of such duties relating to the maintenance of the books and records and office operations of the City as the City Council shall prescribe. The position shall be filled by the person serving as the City Treasurer or as otherwise provided by the City Council. The person shall be an employee of the City and shall serve at the pleasure of the City Council. The pay period of such position shall be the same as for other municipal employees. Benefits, holidays and sick leave for such position shall be provided in accordance with any personnel policy or other policy of the City. The City Council may determine the City Treasures' salary. The salary of the position shall not be subject to constitutional restrictions. (Amended 2001, by a vote of the people on the 3rd day of April, 2001.)

State Law Reference: City Treasurer duties, *Okla. Stat. Ann. tit 11, Section 9-113;* Designation of County Treasurer as City Treasurer, *Okla. Stat. Ann. tit 19, Section 645.*

SECTION 2-303 DEPUTY CLERK AND DEPUTY TREASURER

A. There may be created the offices of:

1. Deputy City Clerk; and

2. Deputy City Treasurer.

B. Persons appointed to fill the positions shall be appointed by the Mayor with approval of the City Council.

SECTION 2-304 CITY ATTORNEY, APPOINTMENT AND DUTIES

The Mayor, with approval of the City Council, may appoint a City Attorney or may secure the services of an attorney or attorneys on a contractual basis when needed. The City Attorney, when and if appointed, shall be the legal adviser of the City Council, all Officers, departments and agencies of the City Government in matters relating to their official powers and duties. He may represent the City in proceedings in the Court and perform services incident to his position which may be required by law or Ordinance.

SECTION 2-305 HEALTH OFFICER

The Mayor, with approval of Council, may appoint a City Health Officer. The County Health Officer or any qualified personnel of the State Department of Health may perform the duties and functions of a City Health Officer if so designated by the City.

SECTION 2-306 OTHER PERSONNEL, APPOINTMENTS, REMOVALS

A. The Mayor, with approval of Council, may appoint such other Officers and employees as he deems desirable and may determine their compensation, and may demote, suspend, lay off or remove all such personnel in compliance with due process and other requirements of law.

B. An employee or Officer who, after a probationary period as set by the City Council, is laid off, suspended without pay for more than ten (10) days, demoted or removed may appeal in writing to the City Council. The appeal must be filed with the City Clerk for transmittal to the Council within ten (10) days after receipt of the notice of the layoff, suspension, demotion or removal. As soon as practicable thereafter, the Council shall conduct a hearing on the appeal, or give an adequate opportunity therefore, and shall report in writing its findings and recommendations and make its final decision in writing regarding the appellant's layoff, suspension, demotion or removal. If the Council finds that the layoff, suspension, demotion or removal was made in error, it shall veto the layoff, suspension, demotion or removal and order the reinstatement of the employee or Officer. Any proceedings of the Council shall be subject to open meeting laws and applicable exceptions provided for executive sessions. Employees or Officers on probationary status may be laid off, suspended without pay, demoted or removed at any time without the written Statement, hearings and procedures required in this section.

SECTION 2-307 BONDS

The Mayor, City Clerk and treasurer and any other Officers and employees as the Council may designate by Ordinance or otherwise to give bond for the faithful performance of duties in such amount and form as the Council shall prescribe. The City shall pay the premiums on such bonds. The City may require the Officer to secure the bond within ten (10) days after his election or appointment.

State Law Reference: Officers' bonds, 11 O.S. Section 8-105.

SECTION 2-308 SALARIES OF ELECTED OFFICIALS

The compensation of all elective City Officers, including the following, shall be fixed by Ordinance:

1. Mayor;

2. Each Council member;

SECTION 2-309 COMPENSATION OF EMPLOYEES, NUMBER AND CLASSES OF PERSONNEL

A. The compensation of all other Officers and employees excepting those whose compensation the law requires to be set by Ordinance, may be determined by motion or resolution adopted by the City Council, and may be changed at any time in the same manner.

B. Except as the law provides otherwise, the City Council may determine or regulate the number and classes of Officers and employees.

SECTION 2-310 SALARIES OF CERTAIN OFFICERS NOT TO BE CHANGED AFTER ELECTION OR APPOINTMENT

In no case shall the salary or emoluments of any City Officer elected or appointed for a definite term, be changed after his election or appointment or during his term of office unless by operation of an Ordinance passed prior to such election or appointment, such being prohibited by the Constitution, Article 23, Section 10. This provision shall not apply to Officers chosen for indefinite terms nor to employees.

SECTION 2-311 OATHS

Officers of the City shall take the oath or affirmation of office prescribed by the State constitution before they enter upon their duties.

SECTION 2-312 OFFICERS TO CONTINUE UNTIL SUCCESSORS ARE ELECTED AND QUALIFY

Every Officer who is elected or appointed for a definite term shall continue to serve thereafter until his successor is elected or appointed and qualifies, unless his services are sooner terminated by resignation, disqualification, removal, death, abolition of the office, or other legal manner.

CHAPTER 4
SOCIAL SECURITY

Section 2-401	**Declaration of Policy to Come Under Coverage**
Section 2-402	**Execution of Agreement with State Agency**
Section 2-403	**Withholdings**
Section 2-404	**Contributions**
Section 2-405	**Records and Reports**
Section 2-406	**Exclusions**

SECTION 2-401 DECLARATION OF POLICY TO COME UNDER COVERAGE

It is hereby declared to be the policy and purpose of the City to extend, at the earliest date, to the eligible employees and officials of the City the benefits of the system of Federal Old-Age and Survivors Insurance as authorized by the Federal Social Security Act and all amendments thereto, and Sections 121 et seq. of Title 51 of the Oklahoma Statutes. In pursuance of this policy, the Officers and employees of the City shall take such action as may be required by applicable State or Federal laws or regulations.

State Law Reference; Social security coverage for local governments, 51 O.S. Section 125.

SECTION 2-402 EXECUTION OF AGREEMENT WITH STATE AGENCY

The Mayor is authorized and directed to execute all necessary agreements and amendments with the State Department of Human Services to accomplish the provisions of Section 2-401 of this Ordinance.

SECTION 2-403 WITHHOLDINGS

Withholdings from salaries or wages of employees and officials for the purposes provided in Section 2-401 of this Code are hereby authorized to be made in the amounts and at such times as may be required by applicable State and Federal laws or regulations and shall be paid over to the State or Federal agency designated by the laws and regulations.

SECTION 2-404 CONTRIBUTIONS

Employer contributions shall be paid from amounts appropriated for these purposes from available funds to the designated State or Federal agency in accordance with applicable State or Federal laws or regulations.

SECTION 2-405 RECORDS AND REPORTS

The City Clerk shall keep such records and submit such reports as may be required by applicable State or Federal laws or regulations.

SECTION 2-406 EXCLUSIONS

Excluded from this chapter authorizing the extension of social security benefits to City Officers and employees are the following:

A. Any authority to make any agreement with respect to any position, employee or official now covered or authorized to be covered by any other Ordinance creating any retirement system for any employee or official of the City; or

B. Any authority to make any agreement with respect to any position, employee or official for which compensation is on a fee basis, or any position, employee or official not authorized to be covered by applicable State or Federal laws or regulations.

CHAPTER 5
FIREFIGHTERS PENSION AND RETIREMENT FUND

Section 2-501 **State Pension System Adopted**
Section 2-502 **Fund to be Operated in Accordance with Law**
Section 2-503 **Contributions to Fund**

SECTION 2-501 STATE PENSION SYSTEM ADOPTED

The City hereby adopts the provisions of State law governing the Oklahoma Firefighters Relief and Pension System and amendments thereto for the purpose of providing firefighters of the City with a retirement program.

State Law Reference; Firefighters Pension Fund, 11 O.S. Sections 49-122 et seq.

SECTION 2-502 FUND TO BE OPERATED IN ACCORDANCE WITH LAW

The Firemen's Relief and Pension Fund shall be operated in accordance with State law relating to the fund, and pensions and other benefits shall be paid as provided by State law.

SECTION 2-503 CONTRIBUTIONS TO FUND

A. The Treasurer shall deduct from the salaries or wages of each paid member of the Fire Fepartment the appropriate amounts of money as established and required by State law as contribution to the Firefighter's Pension Fund. However, if the members of the Fire Fepartment, by a majority vote of its paid members, vote to increase the amount of the deductions, the amounts authorized by this Subsection shall be increased to reflect the amounts approved by the majority vote. The Treasurer of the City shall deposit monthly in the Oklahoma Firefighters Pension and Retirement Board the amounts deducted pursuant to this Subsection. Any amounts deducted from the salary or wages of a Fire Department member shall be made at the time of each payroll. The deductions shall be set forth in the payroll so that each member may be able to ascertain the exact amount, which he is contributing.

B. The City Treasurer shall deposit monthly with the Oklahoma Firefighters Pension and Retirement Board the amounts of money as established and required by State law for each paid member of the Fire Department.

C. For each volunteer member of the Fire Department, the City Treasurer shall deposit yearly with the Oklahoma Firefighters Pension and Retirement Board the amounts of money as established and required by State law. These amounts may be revised according to actual studies and amounts as set by the Oklahoma Firefighters Pension and Retirement Board.

D. All assets of the City Firefighters Pension and Retirement Fund shall be transferred to the Oklahoma Firefighters Pension and Retirement Board. Assets shall be transferred in the

form of cash, negotiable securities and such other specific assets as permitted by the State Board.

State Law Reference: Firefighters pension fund, 11 O.S. Section 49-122.

CHAPTER 6
RECORD RETENTION AND DESTRUCTION

Section 2-601 Record Retention and Destruction

SECTION 2-601 RECORD RETENTION AND DESTRUCTION

The City Clerk shall destroy the following papers, documents and records after presentation at the end of each fiscal year of a certified and notarized inventory of records meeting the following criteria, to-wit:

A. One (1) year: Parking Citations may be destroyed or otherwise permanently disposed of one (1) year after the date of issuance;

B. Five (5) years: Municipal Court Warrants, water, sewer, garbage and utility receipts and Statements, which have been previously audited; inspection records relating to water meters and sewer inspections; utility billing ledger or register; utility cash receipts ledger or register; and utility accounts receivable ledger or register. Fire run contracts may be destroyed or otherwise disposed of two (2) years after their expiration;

C. Ten (10) years: Successful and unsuccessful bids for the purchase or furnishing of equipment, material and improvements; inspection records, except as provided for in paragraph (2) above; claims that have been denied; licenses applications; bonds; special, primary and general election payrolls; election tabulations and returns; withholding Statements; garnishment records; traffic tickets and receipts; bond receipts and fine receipts; paid general obligation and revenue bonds; paid street improvement, sewer and sidewalk district bonds; warrants; claims; checks; vouchers; purchase orders; payrolls; inventories; appropriation ledgers; sidewalk assessment records, except payment records; cash receipt book or register for the General Fund, the Street and Alley Fund, any Bond Fund or Sinking Fund and all other Trust Funds that have been audited.

Prior to the destruction of any records, the City Council must approve the inventoried documents meeting the above criteria by majority vote. Thereafter, the local historical society shall be given the opportunity to review and select from the inventoried documents and records, papers or documents for their exclusive purposes as a non-profit entity. All remaining documents shall be destroyed by appropriate means as determined by the Mayor, same being witnessed by the Clerk, Mayor and two (2) other witnesses. (Ord. 184, 07-13-2001)

CHAPTER 7
COLLECTION OF DEBTS

Section 2-701 **Collection Agency**
Section 2-702 **Oklahoma Tax Commission Claims**

SECTION 2-701 COLLECTION AGENCY

A. The City Clerk, and with respect to Paragraph 2 below, the Court Clerk, subject to the approval of the City Council, may enter into a contract with a collection agency for the provision of collection services for one or more of the following items:

1. Debts and accounts receivable, including, but not limited to, unpaid fees, penalties, interest, and other sums due the City, as applicable; or

2. Court penalties, costs, fines and fees in cases in municipal Court in which the accused has failed to appear or otherwise failed to satisfy a monetary obligation ordered by the Municipal Court.

B. A contract with a collection agency pursuant to this Section may authorize the addition of a collection fee in an amount not to exceed thirty-five percent (35%) on each item described in Subsection A of this Section that has been referred to the collection agency for collection. If the City enters into such contract with a collection agency and authorizes the collection fee, the Municipal Court shall order the defendant to reimburse the fee arising pursuant to paragraph 2 of Subsection A of this Section and such Court-ordered fee may be collected as provided by law for the collection of any other civil debt or criminal action.

State Law: Title 68 Section 22-138, Oklahoma Statutes.

SECTION 2-702 OKLAHOMA TAX COMMISSION CLAIMS

A. A City Clerk or Court Clerk seeking to collect a debt, unpaid fines and cost or final judgment of at least Fifty Dollars ($50.00) from an individual who has filed a State income tax return may file a claim with the Oklahoma Tax Commission requesting that the amount owed to the municipal Court be deducted from any State income tax refund due to that individual. The claim shall be filed electronically in a form prescribed by the Tax Commission and shall contain information necessary to identify the person owing the debt, including the full name and Social Security number of the debtor.

1. The City Clerk or Court Clerk shall send notice to the debtor by regular mail at the last-known address of the debtor as shown by the records of the Tax Commission when seeking to collect a debt not reduced to final judgment. The City Clerk or Court Clerk shall send notice to the judgment debtor or municipal Court defendant by first class mail at the last-known address of the judgment debtor or municipal Court defendant as shown by the records of the Tax Commission when seeking to

collect a final judgment or unpaid municipal fines and cost. The notice shall state:

a. that a claim has been filed,

b. the basis for the claim,

c. that the City has applied to the Tax Commission for any portion of the tax refund due to the debtor or municipal Court defendant which would satisfy the debt, unpaid municipal fines and cost, or final judgment in full or in part,

d. that the debtor or municipal Court defendant has the right to contest the claim by sending a written request to the City Clerk or Court Clerk for a hearing to protest the claim, and if the debtor or municipal Court defendant fails to apply for a hearing within sixty (60) days after the date of the mailing of the notice, the debtor or municipal Court defendant shall be deemed to have waived his or her opportunity to contest the claim,

e. that a collection expense of five percent (5%) of the gross proceeds owed to the City or municipal Court shall be charged to the debtor or municipal Court defendant and withheld from the refund upon final determination of the debt or final judgment at the hearing or upon failure of the debtor to request a hearing, and

f. if the taxpayer settles the outstanding debt, unpaid municipal fines and costs, or final judgment with the City before the time to contest the claim expires, the City Clerk or Court Clerk shall notify the Tax Commission in writing or by electronic media that the claim has been released.

2. In the case of a joint return, the notice shall State:

a. if the taxpayer settles the outstanding debt,

b. the name of any taxpayer named in the return against whom no debt, no unpaid fines and cost, or final judgment is claimed,

c. the fact that a debt, unpaid municipal fines and cost, or final judgment is not claimed against the taxpayer,

d. the fact that the taxpayer is entitled to receive a refund if it is due regardless of the debt, municipal fines and cost, or final judgment asserted against the debtor or municipal Court defendant.

e. that in order to obtain the refund due, the taxpayer must apply, in writing, for a hearing with the City or municipal Court, as applicable, named in the notice within sixty (60) days after the date of the mailing of the notice, and

f. if the taxpayer against whom no debt, no unpaid municipal fines and cost, or final judgment is claimed fails to apply in writing for a hearing within sixty (60) days after the mailing of the notice, the taxpayer shall have waived his or her right to a refund.

B. If the City or municipal Court receives a written request for a hearing from the debtor or taxpayer against whom no debt, no municipal fines and cost, or final judgment is claimed the City or municipal Court shall grant a hearing according to the provisions of the Administrative Procedures Act, Section 250 et seq., of Title 75 of the Oklahoma Statutes. It shall be determined at the hearing whether the claimed sum is correct or whether an adjustment to the claim shall be made. Pending final determination at the hearing of the validity of the debt, unpaid fines and cost, or final judgment asserted by the City or municipal Court no action shall be taken in furtherance of the collection of the debt, unpaid fines and cost, or final judgment. Appeals from actions taken at the hearing shall be in accordance with the provisions of the Administrative Procedures Act.

C. Upon final determination at a hearing, as provided for in Subsection B of this Section, of the amount of the debt, unpaid fines and cost, or final judgment or upon failure of the debtor or taxpayer against whom no debt, no unpaid fines and cost, or final judgment is claimed to request such a hearing, the City or municipal Court shall submit in the manner prescribed by the Tax Commission notification of the action taken on the claim and a request that the amount owed, including the collection expense, be deducted from the tax refund due to the debtor and transferred to the City or municipal Court. However, if the tax refund due is inadequate to pay the collection expense and debt, unpaid fines and cost, or final judgment, the balance due shall be a continuing debt or final judgment until paid in full.

PART 3
ALCOHOLIC BEVERAGES

CHAPTER 1
GENERAL

Section 3-101	Definitions
Section 3-102	Unlawful Manufacture, Sale, Possession, Etc., Generally
Section 3-103	Maintaining a Place Where Sold Contrary to Law
Section 3-104	Location of Package Stores, Wholesalers, and Mixed Beverage Establishment
Section 3-105	Hours of Operation
Section 3-106	Underage Persons Not Permitted in Package Stores or Licensed Premises
Section 3-107	Minors not to be Employed in Selling or Handling; Exceptions
Section 3-108	Possession by Underage Persons
Section 3-109	Underage Persons not to Misrepresent Age in Order to Buy Alcohol or Gain Entry to Licensed Establishments
Section 3-110	Containers not to be Opened or Beverages Consumed in Package Store
Section 3-111	Loitering Where Alcoholic Beverages are Sold, Etc.
Section 3-112	Public Intoxication
Section 3-113	Drinking Alcoholic Beverages in Public
Section 3-114	Transportation
Section 3-115	Permitting or Allowing Gatherings Where Minors are Consuming Alcoholic Beverages and Any Controlled Dangerous Substances
Section 3-116	Violations

CHAPTER 2
OCCUPATION TAX ON RETAILERS AND WHOLESALERS

Section 3-201	Levied; Amount
Section 3-202	Payment Required
Section 3-203	Payment Generally
Section 3-204	When Due and Payable; Prorating
Section 3-205	Use of Funds
Section 3-206	Occupation Tax Nontransferable or Nonrefundable
Section 3-207	Function of City Clerk
Section 3-208	Application for a Certificate of Zoning Compliance and Certificate of Compliance with Fire, Safety and Health Codes
Section 3-209	Investigation of Applicant
Section 3-210	Issuance of Certificates; Temporary Certificates

CHAPTER 1
GENERAL

Section 3-101	**Definitions**
Section 3-102	**Unlawful Manufacture, Sale, Possession, Etc., Generally**
Section 3-103	**Maintaining a Place Where Sold Contrary to Law**
Section 3-104	**Location of Package Stores, Wholesalers, and Mixed Beverage Establishment**
Section 3-105	**Hours of Operation**
Section 3-106	**Underage Persons Not Permitted in Package Stores or Licensed Premises**
Section 3-107	**Minors not to be Employed in Selling or Handling; Exceptions**
Section 3-108	**Possession by Underage Persons**
Section 3-109	**Underage Persons not to Misrepresent Age in Order to Buy Alcohol or Gain Entry to Licensed Establishments**
Section 3-110	**Containers not to be Opened or Beverages Consumed in Package Store**
Section 3-111	**Loitering Where Alcoholic Beverages are Sold, Etc.**
Section 3-112	**Public Intoxication**
Section 3-113	**Drinking Alcoholic Beverages in Public**
Section 3-114	**Transportation**
Section 3-115	**Permitting or Allowing Gatherings where Minors are Consuming Alcoholic Beverages and Any Controlled Dangerous Substances**
Section 3-116	**Violations**

SECTION 3-101 DEFINITIONS

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Generally. All words, terms and phrases used in this Chapter and not defined to the contrary herein shall be interpreted and construed in accordance with the definitions of the same set forth in the Oklahoma Alcoholic Beverage Act, codified as Title 37, Oklahoma Statutes or regulations promulgated by the ABLE Commission with the same force and effect as if set forth in full herein and such definitions are hereby made a part hereof by reference.

ABLE Commission means the Alcoholic Beverage Laws Enforcement Commission.

Alcohol means and includes hydrated oxide of ethyl, ethyl alcohol, ethanol or spirits of wine, from whatever source or by whatever process produced. It does not include wood alcohol or alcohol which has been denatured or produced as denatured in accordance with Acts of Congress and regulations promulgated thereunder.

Alcoholic beverage means alcohol, spirits, beer, and wine as those terms are defined herein and also includes every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by human beings.

Beer means any beverage of alcohol by volume and obtained by the alcoholic fermentation of an infusion or decoction of barley or other grain, malt or similar products. Beer may or may not contain hops of other vegetable products. The term "beer" includes, among other things, beer, ale, stout, lager beer, porter, and other malt or other brewed liquors, but does not include sake, known as Japanese rice wine.

Beer keg means any manufacturer-sealed, single container that contains not less than four (4) gallons of beer.

Brewer means and includes any person who manufactures for human consumption by the use of raw materials or other ingredients any beer upon which a license fee and a tax are imposed by any law of this State.

Brew pub means a licensed establishment operated on the premises of or on premises located contiguous to a small brewer that prepares and serves food and beverages including alcoholic beverages for on premises consumption.

Caterer means any person authorized to sell mixed beverages for on-premises consumption incidental to the sale or distribution of food and who is required to have a caterer's license from the State alcoholic beverage laws enforcement commission.

Cider means any alcoholic beverage obtained by the alcoholic fermentation of fruit juice including but not limited to flavored sparkling or carbonated cider. For the purposes of the distribution of this product, cider may be distributed by either wine and spirits wholesalers or beer distributors.

Convenience store means any person primarily engaged in retailing a limited range of general household items and groceries with extended hours of operation whether or not engaged in retail sales of automotive fuels in combination with such sales.

Convicted and ***conviction*** means and includes a finding of guilt resulting from a plea of guilty or nolo contendere the decision of a court or magistrate or the verdict of a jury irrespective of the pronouncement of judgment or the suspension thereof.

Distiller means any person who produces spirits from any source or substance, or any person who brews or makes mash, wort, or wash, fit for distillation or for the production of spirits (except a person making or using such material in the authorized production of wine or beer, or the production of vinegar by fermentation), or any person who by any process separates alcoholic spirits from any fermented substance, or any person who, making or keeping mash, wort, or wash, has also in his possession or use a still.

Grocery store means a person primarily engaged in retailing a general line of food such as canned or frozen foods fresh fruits and vegetables and fresh and prepared meats fish and poultry.

Hotel or ***motel*** means an establishment which is licensed to sell alcoholic beverages by the individual drink and which contains guestroom accommodations with respect to which the predominant relationship existing between the occupants thereof and the owner or operator of the establishment is that of innkeeper and guest for purposes of this Section the existence of other legal relationships as between some occupants and the owner or operator thereof shall be

immaterial.

Manufacturer means brewer, distiller, winemaker, rectifier, or bottler of any alcoholic beverage and its subsidiaries affiliates and parent companies.

Meals means foods commonly ordered at lunch or dinner and at least part of which is cooked on the licensed premises and requires the use of dining implements for consumption. Provided that the service of only food such as appetizers, sandwiches, salads, or desserts shall not be considered "meals".

Mini-bar means a closed container either refrigerated in whole or in part or non-refrigerated and access to the interior of which is:

A. Restricted by means of a locking device which requires the use of a key magnetic card or similar device; or

B. Controlled at all times by the licensee.

Mixed beverage cooler means any beverage, by whatever name designated, consisting of an alcoholic beverage and fruit or vegetable juice, fruit or vegetable flavorings, dairy products or carbonated water containing more than one-half of one percent (1/2 of 1%) of alcohol measured by volume but not more than seven percent (7%) alcohol by volume at sixty (60) degrees Fahrenheit and which is packaged in a container not larger than three hundred seventy-five (375) milliliters. Such term shall include, but not be limited to, the beverage popularly known as a "wine cooler".

Mixed beverages means one (1) or more servings of a beverage composed in whole or part of an alcoholic beverage in a sealed or unsealed container of any legal size for consumption on the premises where served or sold by the holder of a mixed beverage, caterer, beer and wine, public event charitable event or special event license.

Officer means any officer, director, stockholder, owner, manager, or any person who has a financial interest in a State licensee or who directs any policy of a State licensee.

Owner means any officer, owner, manager or other person who shall receive any percentage of profits directly from the operation of a tavern or directs any policy of a tavern.

Occupation as used in connection with "Occupation Tax" means the sites occupied as the places of business of the manufacturers, wholesalers, beer distributors, retailers, mixed beverage licensees, on- premises beer and wine licensees, bottle clubs, caterers, public event and special event licensees.

Original package means any container of alcoholic beverage filled and stamped or sealed by the manufacturer.

Package store means any sole proprietor or partnership that qualifies to sell wine, beer and/or spirits for off-premise consumption and that is not a grocery store, convenience store or drug store, or other retail outlet, that is not permitted to sell wine or beer for off-premise consumption.

Patron means any person customer or visitor who is not employed by a licensee or who is not a licensee.

Person means an individual any type of partnership, corporation, association, Limited Liability Company or any individual involved in the legal structure of any such business entity.

Premises means the grounds and all buildings and appurtenances pertaining to the grounds including any adjacent premises if under the direct or indirect control of the licensee and the rooms and equipment under the control of the licensee and used in connection with or in furtherance of the business covered by a license. Provided that the ABLE Commission shall have the authority to designate areas to be excluded from the licensed premises solely for the purpose of:

A. Allowing the presence and consumption of alcoholic beverages by private parties which are closed to the general public; or

B. Allowing the services of a caterer serving alcoholic beverages provided by a private party.

This exception shall in no way limit the licensee's concurrent responsibility for any violations of the Oklahoma Alcoholic Beverage Control Act or this Ordinance occurring on the licensed premises.

Private event means a social gathering or event attended by invited guests who share a common cause, membership, business or task and have a prior established relationship. For purposes of this definition, advertisement for general public attendance or sales of tickets to the general public shall not constitute a private event.

Public event means any event that can be attended by the general public.

Rectifier means any person who rectifies, purifies, or refines spirits or wines by any process (other than by original and continuous distillation, or original and continuous processing, from mash, wort, wash, or other substance, through continuous closed vessels and pipes, until the production thereof is complete), and any person who, without rectifying, purifying, or refining spirits, shall by mixing (except for immediate consumption on the premises where mixed) such spirits, wine, or other liquor with any material, manufactures any spurious, imitation, or compound liquors for sale, under the name of whiskey, brandy, rum, gin, wine, spirits, cordials, or any other name.

Regulation or ***rule*** means a formal rule of general application promulgated by the ABLE Commission as herein required.

Restaurant means an establishment that is licensed to sell alcoholic beverages by the individual drink for on-premises consumption and where food is prepared and sold for immediate consumption on the premises.

Retail container for spirits and wines means the original package for spirits and wines of any capacity approved by the United States Bureau of Alcohol, Tobacco and Firearms.

Retailer means an establishment that is licensed to sell alcoholic beverages by the individual drink for on-premises consumption and where food is prepared and sold for immediate consumption on the premises.

Sale means any transfer, exchange or barter in any manner, or by any means whatsoever, and includes all sales made by any person, whether as principal, proprietor, agent, servant or employee.

Short order food means food other than full meals including but not limited to sandwiches soups and salads. Provided that popcorn, chips and other similar snack food shall not be considered "short order food".

Small brewer means a brewer who manufactures less than twenty-five thousand (25,000) barrels of beer annually pursuant to a validly issued Small Brewer License hereunder.

Small farm wine means a wine that is produced by a small farm winery with seventy-five percent (75%) or more Oklahoma-grown grapes, berries, other fruits, honey or vegetables.

Small farm winery means a wine-making establishment that does not annually produce for sale more than fifteen thousand (15,000) gallons of wine as reported on the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Report of Wine Premises Operations (TTB Form 5120.17).

Sparkling wine means champagne or any artificially carbonated wine.

Special event means an entertainment, recreation or marketing event that occurs at a single location on an irregular basis and at which alcoholic beverages are sold.

Spirits means any beverage other than wine, beer or light beer, which contains more than one-half of one percent (1/2 of 1%) alcohol measured by volume and obtained by distillation, whether or not mixed with other substances in solution, and includes those products known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and fortified wines and similar compounds; but shall not include any alcohol liquid completely denatured in accordance with the Acts of Congress and regulations pursuant thereto.

State licensee means any person holding a license under the Oklahoma Alcoholic Beverage Control Act, and any agent, servant, or employee of such licensee while in the performance of any act or duty in connection with the licensed business or on the licensed premises.

Wine and spirits wholesaler or ***wine and spirits distributor*** means and includes any sole proprietorship or partnership licensed to distribute wine and spirits in the State. The term "wholesaler", as used in this act, shall be construed to refer to a wine and spirits wholesaler; and

Wine means and includes any beverage containing more than one-half of one percent (1/2 of 1%) alcohol by volume and not more than twenty-four percent (24%) alcohol by volume at sixty (60) degrees Fahrenheit obtained by the fermentation of the natural contents of fruits, vegetables, honey, milk or other products containing sugar, whether or not other ingredients are added, and includes vermouth and sake, known as Japanese rice wine.

SECTION 3-102 UNLAWFUL MANUFACTURE, SALE, POSSESSION, ETC., GENERALLY

A. It shall be unlawful for any person to manufacture, rectify, barter, sell, give away, or otherwise furnish another any alcoholic beverage except as permitted by law.

B. It shall be unlawful for any person to store, or have in his possession or under his control, any alcoholic beverage except as permitted by law.

C. It shall be unlawful for any person to transport or in any manner convey from place to place any alcoholic beverage except as permitted by law.

D. It shall be unlawful for any person to keep or maintain, aid or abet in keeping or maintaining a place where alcoholic beverages are manufactured, sold, bartered, or given away or otherwise furnished in violation of the Ordinances of the City or the Statutes of the State.

E. Nothing herein shall prevent the possession and transportation of alcoholic beverages for the personal use of the possessor, his family or guests, so long as the State excise tax has been paid thereon, except for beer; nor prevent the making of cider or of wine not to exceed two hundred (200) gallons in any one (1) year pursuant to a license first obtained from the Alcoholic Beverage Law Enforcement Commission, if made solely for the use of the maker, his family or guests.

SECTION 3-103 MAINTAINING A PLACE WHERE SOLD CONTRARY TO LAW

It is unlawful for any person or any agent or employee thereof, to keep, maintain, or aid or abet in keeping or maintaining, a place where alcoholic beverages are manufactured, sold, bartered, given away, or otherwise furnished in violation of law or the Ordinances of the City.

SECTION 3-104 LOCATION OF PACKAGE STORES, WHOLESALERS, AND MIXED BEVERAGE ESTABLISHMENT

A. No package store, beer, wine or mixed beverage establishment, wholesale alcoholic beverage store, warehouse, or brewery, distillery, winery, brewpub or any other place however described, used or maintained for the manufacture, production bottling or sale of alcoholic beverages of any kind shall be located, maintained or operated by any person at any place within the City except at a location at which such an establishment is permitted by the land development code of this City.

B. No person shall own, operate, maintain or be interested in any retail package store, or beer and wine, or mixed beverage establishment, which is located at a place within the City, which is forbidden as a location for such store by State law.

SECTION 3-105 HOURS OF OPERATION

A. No package store, or the premises upon which it is located, shall be open for the purpose of selling any alcoholic beverages at any hour other than between the hours of 10:00 A.M. and 12:00 A.M. (midnight), Monday through Saturday. No sales shall be made nor shall

package store premises remain open for the purpose of making sales or receiving deliveries of alcoholic beverages on Thanksgiving Day or Christmas Day.

B. No holder of a Retail Wine License or a Retail Beer License shall sell any beer or wine at any hour other than between the hours of 7:00 A.M. and 2:00 A.M. the following day, Monday through Sunday.

C. No alcoholic beverages may be sold, dispensed, served or consumed on the premises of a mixed beverage, caterer, public event, charitable event, special event on-premises beer and wine, small brewer or brewpub licensee between the hours of 2:00 A.M. and 10:00 A.M.

SECTION 3-106 UNDERAGE PERSONS NOT PERMITTED IN PACKAGE STORES OR LICENSED PREMISES

A. No licensee, operator or employee shall permit any person under twenty-one (21) years of age to enter into, remain within or loiter upon or about the premises of any package store or place where alcoholic beverages may be sold, dispensed, or served for consumption on the premises except as authorized by State law.

B. No person under twenty-one (21) years of age shall enter, remain within or loiter upon or about the premises of any package store or place where alcoholic beverages may be sold, dispensed, or served for consumption on the premises, except as authorized by State law.

SECTION 3-107 MINORS NOT TO BE EMPLOYED IN SELLING OR HANDLING; EXCEPTIONS

No State licensee shall employ any person under twenty-one (21) years of age in the selling or handling of alcoholic beverages except as authorized by Title 37 or 37A, Oklahoma Statutes.

SECTION 3-108 POSSESSION BY UNDERAGE PERSONS

No person under twenty-one (21) years of age shall be in possession of any alcoholic beverage.

SECTION 3-109 UNDERAGE PERSONS NOT TO MISREPRESENT AGE IN ORDER TO BUY ALCOHOL OR GAIN ENTRY TO LICENSED ESTABLISHMENTS

No person under twenty-one (21) years of age shall misrepresent his age in writing, or by presenting false documentation of age for the purpose of inducing any person to sell or serve him alcoholic beverages, or to enter or attempt to enter a package store or a separate or enclosed bar area as designated by the ABLE Commission.

SECTION 3-110 CONTAINERS NOT TO BE OPENED OR BEVERAGES CONSUMED IN PACKAGE STORE

A. No State package store licensee shall suffer or permit any retail container to be opened, or any alcoholic beverage to be consumed on his licensed premises.

B. No person shall drink nor consume in any manner alcoholic beverages on the premises of a retail package store; nor shall any person open or break the seal of an original package or retail container containing alcoholic beverages on such premises.

SECTION 3-111 LOITERING WHERE ALCOHOLIC BEVERAGES ARE SOLD, ETC.

It is unlawful for any person to loiter in any place where alcoholic beverages are bartered, sold, given away, or otherwise furnished.

SECTION 3-112 PUBLIC INTOXICATION

It shall be unlawful for any person to be intoxicated in any public street, alley or other public place.

SECTION 3-113 DRINKING ALCOHOLIC BEVERAGES IN PUBLIC

It shall be unlawful for any person to drink alcoholic beverages while in or upon any street, alley or other public place in the City, except that such beverages may be consumed or possessed by persons twenty-one (21) years of age or older within the boundaries of any area licensed by the ABLE Commission or on the Oklahoma State University campus in accordance with rules established by said institution.

SECTION 3-114 TRANSPORTATION

A. It shall be unlawful for any person to knowingly transport in any vehicle upon a public highway, street or alley any alcoholic beverage, except in the original container which shall not have been opened and the seal upon which shall not have been broken and from which the original cap or cork shall not have been removed, unless the open container be in the rear trunk or rear compartment, which shall include the spare tire compartment in a vehicle commonly known as a SUV or station wagon and panel truck, or any outside compartment which is not accessible to the driver or any other person in said vehicle while it is in motion.

B. It shall be unlawful for any person to knowingly transport or for any passenger to possess in any moving vehicle upon a public highway, street or alley any low-point beer or intoxicating beverage except in the original container which shall not have been opened and from which the original cap or seal shall not have been removed, unless the open container is in the rear trunk or rear compartment, which shall include the spare tire compartment in a SUV, station wagon or panel truck, or any outside compartment which is not accessible to the driver or any person in the vehicle while it is in motion.

SECTION 3-115 PERMITTING OR ALLOWING GATHERINGS WHERE MINORS ARE CONSUMING ALCOHOLIC BEVERAGES AND ANY CONTROLLED DANGEROUS SUBSTANCES

A. No person shall knowingly and willfully permit any individual under twenty-one (21) years of age, who is an invitee to the person's residence any building, structure, or room owned, occupied, leased or otherwise procured by the person, or on any land owned, occupied, leased or otherwise procured by the person to possess or consume any alcoholic beverage,

or any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act or any combination thereof in such place.

B. A violation of this Section shall be punished by a fine not exceeding Five Hundred Dollars ($500.00) and costs, and/or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment.

C. It shall constitute an affirmative defense to a violation of this Section if the conduct of the Defendant would not constitute a violation of State law.

SECTION 3-116 VIOLATIONS

Except as otherwise provided, a violation of any of the provisions of this Chapter by any person, including, but not limited to a person who has supervisory control over the premises of any public place shall be a Class A offense.

CHAPTER 2
OCCUPATION TAX ON RETAILERS AND WHOLESALERS

Section 3-201	**Levied; Amount**
Section 3-202	**Payment Required**
Section 3-203	**Payment Generally**
Section 3-204	**When Due and Payable; Prorating**
Section 3-205	**Use of Funds**
Section 3-206	**Occupation Tax Nontransferable or Nonrefundable**
Section 3-207	**Function of City Clerk**
Section 3-208	**Application for a Certificate of Zoning Compliance and Certificate of Compliance with Fire, Safety and Health Codes**
Section 3-209	**Investigation of Applicant**
Section 3-210	**Issuance of Certificates; Temporary Certificates**

SECTION 3-201 LEVIED; AMOUNT

A. There is hereby levied and assessed an annual Occupation Tax on every business or occupation relating to alcoholic beverages as specifically enumerated below and in the following amounts:

1.	Brewer		$1,250.00
2.	Storage		$23.00
3.	Distiller		$3,125.00
4.	Winemaker		$625.00
5.	Oklahoma Winemaker		$75.00
6.	Rectifier		$3,125.00
7.	On Premises Beer and Wine-Initial		$500.00
	Renewal		$450.00
8.	Mixed Beverage-Initial		$900.00
	Renewal		$900.00
9.	Caterer-Initial		$900.00
	Renewal		$900.00
10.	Caterer/Mixed Beverage Combination		$900.00
11.	Wine and Spirits Wholesaler		$3,500.00
12.	Beer Distributor		$300.00
13.	Retail Package Store		$300.00
14.	Bottle Club		$1,000.00
15.	Annual Special Event		$50.00
16.	Quarterly Special Event		$50.00
17.	On Premises Beer and Wine/Initial		$500.00
	Renewal		$450.00
18.	Retail Wine		$500.00
19.	Retail Beer		$500.00
20.	Annual Public Event		$50.00
21.	One (1) Time Public Event	.....	$50.00
22.	Small Brewer Self-Distribution	.....	$625.00

23.	Brewpub License		$1,005.00
24.	Brewpub Self-Distribution	.....	$750.00

B. If a license is required by the State for any of the above occupations, and if the State fails or refuses to issue or renew such license, the annual tax paid to the City under this Section may be refunded if written proof satisfactory to the City Clerk or his designee is supplied, showing that the State license has been denied.

SECTION 3-202 PAYMENT REQUIRED

A. No brewer, State brewer, distiller, winemaker, State winemaker, rectifier, retail package store, retail beer and retail wine licensee, beer and wine or mixed beverage establishment, caterer or annual, quarterly, one (1) time, or special or public event licensee, hotel or brewpub shall do business within the corporate limits of the City, until the Occupation Tax levied by this Article shall have been paid in full to the City Clerk and receipt issued.

B. Any person who engages in any of the occupations taxed by this Chapter without paying said Occupation Tax imposed therefor in advance of such operation shall, upon conviction, be deemed guilty of a Class A offense. Each day of such violation shall constitute a separate and distinct offense.

SECTION 3-203 PAYMENT GENERALLY

Any State licensee originally entering upon any occupation taxed by the provisions of this Article shall pay the required tax at the office of the City Clerk on or before the date upon which he enters into such occupation. Thereafter, such licensee shall pay the tax annually on or before July 1 each year.

SECTION 3-204 WHEN DUE AND PAYABLE; PRORATING

All occupational taxes levied under the provisions of this Article shall expire on June 30 of each year. The amount of any Occupation Tax levied shall be computed pro rata on the months remaining in the year ending June 30. Such taxes paid on or before the 15th day of any month shall be on the basis of the first day of the month, and such taxes paid after the 15th day of any month shall be on the basis of the first day of the next succeeding month.

SECTION 3-205 USE OF FUNDS

The proceeds of the tax levied by the provisions of this Article shall be deposited in and become a part of the City's general fund.

SECTION 3-206 OCCUPATION TAX NONTRANSFERABLE OR NONREFUNDABLE

The occupation taxes levied by the provisions of this Article shall cover only the person paying the tax and no other successor thereof, and shall not be refundable nor transferable under any circumstances.

SECTION 3-207 FUNCTION OF CITY CLERK

The City Clerk shall make and transmit to the State alcoholic beverage control Council an annual report showing the number and class of State licensee's upon which occupation taxes were levied pursuant to the provisions of this Article and the amount of money collected from such taxes.

SECTION 3-208 APPLICATION FOR A CERTIFICATE OF ZONING COMPLIANCE AND CERTIFICATE OF COMPLIANCE WITH FIRE, SAFETY AND HEALTH CODES

A. Every applicant for an original or renewal license as required under the Oklahoma Alcoholic Beverage Control Act, 37 O.S. § 501 et seq. as set forth in Titles 37 and 37A, Oklahoma Statutes, or rules promulgated by the ABLE Commission, except applicants for an employee, special event or airline/beverage, railroad beverage license shall first obtain a certificate of zoning compliance and a certificate of fire safety and health code compliance from the City Clerk. The applicant for such certificates shall do the following:

1. Complete and file an application on a form as prescribed by the City Clerk.

2. Deposit in advance to the Office of the City Clerk the Occupational Tax levied by this Chapter and the prescribed certificate fee.

B. Said application shall include an affidavit listing all officers, location and dates of residence for the immediately preceding three (3) years.

C. Any persons submitting false information in an application for a certificate shall be grounds for denial of the certification.

SECTION 3-209 INVESTIGATION OF APPLICANT

Upon each application for a certificate of zoning and/or a certificate of fire, safety and health Code compliance:

A. The City Manager shall conduct an investigation to determine if the applicant's place of business complies with all zoning Ordinances.

B. The City Manager shall conduct an inspection of the applicant's building and premises to determine if it complies with all applicable safety and health Ordinances.

C. The Fire Chief shall conduct an inspection of the applicant's building and premises to determine if it complies with all applicable fire safety Ordinances.

D. The City Attorney shall review the application and other documents and determine if such documents reflect that the requirements of this Chapter have been met. He shall have the authority to request such documents as he deems necessary to determine compliance.

E. The Chief of Police shall search for any criminal record of the applicant or its officers.

SECTION 3-210 ISSUANCE OF CERTIFICATES; TEMPORARY CERTIFICATES

Upon the payment of all necessary fees and taxes, successful completion of the investigation set forth in Section 3-209, the City Clerk shall issue to the applicant a certificate of Zoning Fire Safety and Health Code compliance. Said certificate shall be signed by the City Clerk or the Deputy City Clerk and sealed with the seal of the City.

PART 4
ANIMALS

CHAPTER 1
ANIMAL REGULATIONS

ARTICLE A
GENERAL PROVISIONS

Section 4-101	Definitions
Section 4-102	Animals Running at Large Prohibited
Section 4-103	Turning Animals at Large Unlawful
Section 4-104	Pasturing in Public Areas Illegal
Section 4-105	Animals which Disturb Prohibited, Constitute Nuisance
Section 4-106	Buildings for Animals; Construction and Conditions
Section 4-107	Premises to be Kept Clean
Section 4-108	Health Officer to Inspect
Section 4-109	Enforcement
Section 4-110	Confinement of Female Dog or Cat, which is in Season
Section 4-111	Leashing Animals, When
Section 4-112	Offenses
Section 4-113	Animals or Livestock Which May Be Kept; Conditions

ARTICLE B
DOG AND CAT VACCINATION, TAGS AND TAX

Section 4-120	Dogs and Cats to be Vaccinated
Section 4-121	Dog Registration; Tag
Section 4-122	Tag to be Placed on Dog Collar; Lost Tags
Section 4-123	Court Proceedings against Vicious or Dangerous Animals

ARTICLE C
ANIMAL CONTROL SHELTER

Section 4-130	Shelter Established
Section 4-131	Animals to be Impounded
Section 4-132	Breaking Animal Control Shelter
Section 4-133	Fees for Impounding
Section 4-134	Owner May Redeem
Section 4-135	Sale or Destruction of Impounded Animals
Section 4-136	Adoption
Section 4-137	Owner May Claim Excess Money

ARTICLE D
CRUELTY TO ANIMALS

Section 4-140	Abandoning Animals
Section 4-141	Cruelty to Animals
Section 4-142	Poisoning Animals
Section 4-143	Encouraging Animals to Fight

ARTICLE E
WILD, EXOTIC OR DANGEROUS ANIMALS

Section 4-150	Keeping of Wild, Exotic or Dangerous Animals

ARTICLE F
ZONING ORDINANCE TO PREVAIL

Section 4-160	Zoning Ordinance to Prevail

ARTICLE G
PROCLAMATION OF RABIES

Section 4-170	Dogs and Cats Confined; When
Section 4-171	Quarantine of Animals for Observation
Section 4-172	Securing Support Information on Diagnosed Animals
Section 4-173	Rabies Crisis Declaration
Section 4-174	Destruction of Animals under Crisis Period
Section 4-175	Surrender of Animals under Suspect

ARTICLE H
KENNELS

Section 4-180	Kennel License; Fee

ARTICLE I
PENALTY

Section 4-190	Penalty

CHAPTER 1
ANIMAL REGULATIONS

ARTICLE A
GENERAL PROVISIONS

Section 4-101	**Definitions**
Section 4-102	**Animals Running at Large Prohibited**
Section 4-103	**Turning Animals at Large Unlawful**
Section 4-104	**Pasturing in Public Areas Illegal**
Section 4-105	**Animals which Disturb Prohibited, Constitute Nuisance**
Section 4-106	**Buildings for Animals; Construction and Conditions**
Section 4-107	**Premises to be Kept Clean**
Section 4-108	**Health Officer to Inspect**
Section 4-109	**Enforcement**
Section 4-110	**Confinement of Female Dog or Cat which is in Season**
Section 4-111	**Leashing Animals, When**
Section 4-112	**Offenses**
Section 4-113	**Animals or Livestock Which May Be Kept; Conditions**

SECTION 4-101 DEFINITIONS

The following words and phrases when used in this Chapter shall have the meanings prescribed in this Section except in those cases where the context clearly indicates a different meaning:

1. "At large" means any animal when he is not under restraint;

2. "Confined on the premises" means that condition in which an animal is securely and physically confined and retained on and within the premises of the owner or keeper by means of walls or fences;

3. "Dog" means and includes any dog, bitch and every other animal of canine species at the age of two (2) months or older which is situated within the City limits for a period of fifteen (15) consecutive days or more;

4. "Enforcement Officer" means the Police Chief or any member of the Police Department or other person appointed to enforce this Chapter;

5. "Harboring" means any person who allows any dog to habitually remain or lodge or to be fed within his home, store, yard, enclosure or place of business or any premises in which such person resides or controls, shall be considered as harboring such animal;

6. "Kennel" means owning, harboring, keeping, maintaining or having the care of or custody of three (3) or more dogs of the age of six (6) months or over within the

City limits of the City of Shidler, except that an animal hospital maintained by a licensed Veterinarian is hereby excepted from this Chapter.

7. "Owner" means and includes any person or group of persons, including the owner, and also every person having the care or custody, possessing, harboring, keeping, or maintaining of such animal;

8. "Restraint" means an animal if he is controlled by a leash not more than eight (8) feet in length or at the "heel" beside a competent person and obedient to that person's commands, or confined on the premises of his owner or keeper;

9. "Stray" means any animal which does not appear, upon reasonable inquiry, to have an owner; and

10. "Vicious animal" means an animal that has bitten or attempted to bite a person or animal without undue provocation, or which attacks, barks or growls at or acts as if it intends to attack or bite or bites a person or animal when not unduly provoked. Such animal may be destroyed upon orders of the Enforcement Officer or confined in an approved. manner. An animal is also considered vicious when it has a disposition to attack persons or animals without provocation.

State Law Reference: Regulation of animals, City powers, *Okla. Stat. Ann. tit 11, Section 22-115.*

SECTION 4-102 ANIMALS RUNNING AT LARGE PROHIBITED

The owner or keeper of any dog or other animal, including fowl, shall keep such animal under restraint at all times and shall not permit such animal to be at large. Apprehension of such animal shall not be prerequisite to fine or punishment for violation of this Section.

SECTION 4-103 TURNING ANIMALS AT LARGE UNLAWFUL

It is unlawful for any person to open any enclosure in which any animal is confined as required by Ordinance so as to turn the animal at large, or in any manner to turn the animal at large.

SECTION 4-104 PASTURING IN PUBLIC AREAS ILLEGAL

It is unlawful for any person to stake, confine, or pasture any animal on any public-school ground or other public property, Federal, State, City or other, on any railroad right-of-way, or on any private property without the consent of the person owning or controlling such property.

SECTION 4-105 ANIMALS WHICH DISTURB PROHIBITED, CONSTITUTE NUISANCE

A. The following conditions are hereby declared to be a nuisance:

1. Any dog or other animal which, by barking, howling or otherwise, disturbs the

peace and quiet of any person;

2. Any dog or other animal which goes into any garbage can or other waste vessel, or turns the same over or scatters the contents of the same on the ground; and

3. Any dog or other animal which chases cars, motorcycles, bicycles or any other motor vehicle or intimidates joggers, pedestrians or children.

B. It is unlawful to keep or harbor an animal which is determined to be a nuisance as herein defined.

C. Any dog or other animal alleged to be a nuisance, as defined in this Section, may be proceeded against in the Municipal Court after a Complaint has been duly filed therein by any person having knowledge thereof, and if the Court shall find that such dog or other animal is a nuisance, then the Court may order the owner or person in possession to prevent and abate such nuisance, or the Court may order such dog or animal impounded and the owner or person in possession may have the dog or other animal returned upon paying all costs of impounding and giving good and sufficient bond, in the sum as set by the City, conditioned that he will prevent and abate such nuisance. Thirty (30) days thereafter, such owner or person in possession may present to the Court evidence that the nuisance has been abated and prevented and the Court may, upon such hearing, order the bond returned.

SECTION 4-106 BUILDINGS FOR ANIMALS; CONSTRUCTION AND CONDITIONS

A. Every stable or building wherein any animal is kept within the City shall be constructed of such materials and in such manner that it can be kept clean and sanitary at all times.

B. Every such building housing any livestock or fur-bearing animals, including but not limited to any horse, mule, donkey, cow, goat or sheep, if located within two hundred (200) feet of any apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious, or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept, shall be provided with a water-tight and fly-tight receptacle for manure, of such size as to hold all accumulations of manure. The receptacle shall be emptied sufficiently often and in such a manner as to prevent it from being or becoming a nuisance and shall be kept covered at all times except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on such premises except in the receptacle.

SECTION 4-107 PREMISES TO BE KEPT CLEAN

Every structure, stable, pen, coop or place wherein an animal is kept or permitted to be kept shall be maintained in a clean and sanitary condition, devoid of rodents and vermin and free from objectionable odors.

SECTION 4-108 HEALTH OFFICER TO INSPECT

The Health Officer, upon complaint of any person, shall inspect any structure or place where an animal is kept, and may do so on his own initiative. He may issue any such reasonable order as he may deem necessary to the owner of the animal to cause the animal to be kept as provided in this Chapter or in a manner so as not to constitute a nuisance. He may make a complaint before the Municipal Judge against any person for violation of any provision of this Chapter or of any such reasonable order, but this procedure shall not abridge the right of others to make such complaint.

SECTION 4-109 ENFORCEMENT

The Police Chief and members of the Police Department, or other person designated by the City as the Enforcement Officer, are responsible for the enforcement of this Chapter.

SECTION 4-110 CONFINEMENT OF FEMALE DOG OR CAT WHICH IS IN SEASON

It is unlawful for the owner or harborer to fail, at all times, to confine any female dog or cat which is in season, in a building or secure enclosure, veterinarian, hospital or boarding kennel, except when on a leash and under the control of a competent person.

SECTION 4-111 LEASHING ANIMALS, WHEN

When requested by any proper official, meter reader, Police Officer, sanitation worker, or other person whose duty is to enter onto private property, an owner shall leash or otherwise confine any and all dogs to prevent harm to the person making a lawful entry on owner=s private property.

SECTION 4-112 OFFENSES

It shall be an offense for any person to permit any of the following violations of this Article:

1. For any person to permit a dog that he owns or harbors to run at large within the City;

2. For any person to own or harbor any dog within the City that is notoriously vicious or dangerous;

3. To harbor, keep or have possession of any dog without paying the license and registration fee;

4. To harbor, keep or have possession of any dog which is a nuisance;

5. To fail or refuse to deliver to the keeper of the Pound or a Police Officer, or any such person designated by the Mayor, upon demand, any unlicensed dog, dog having or suspected of having rabies, vicious dog or dog kept in violation of any of

the above-mentioned provisions when demand is made for such dog pursuant to a valid Court Order or Warrant;

6. To abandon or desert any dog, or to permit any dog to become a stray; or

7. It shall be unlawful for any person to operate a kennel within the City limits.

SECTION 4-113 ANIMALS OR LIVESTOCK WHICH MAY BE KEPT; CONDITIONS

A. It is unlawful for any person to keep, harbor or maintain any wild animal, fowl, livestock or domestic animal, except dogs and domestic cats, within the City limits of the City except as hereinafter provided.

B. The prohibitions set forth in Subsection A of this Section shall not apply to pets kept solely within the residence, home or dwelling of the person owning or harboring such animal, nor shall this prohibition apply to an animal hospital or clinic maintained by a licensed veterinarian.

C. Where zoning provisions are inapplicable to a particular tract of land or property due to Agrandfathering@ of the current use of the property the keeping of livestock (horses, mules, ponies, cattle, sheep, goats, ostriches, emus and hogs or pigs) within the City of Shidler is still prohibited except under the following conditions:

1. Such animals shall be kept in an enclosure (fenced lot or pasture) of not less than one and one-half (1 1/2) acres in area for each animal unit kept therein.

2. The enclosure mentioned above shall not be less than one hundred fifty (150) feet from any living quarters or residence used for human occupancy other than that of the owner of the animal or animals.

3. The barn or animal shelter in which animals are kept shall not be closer than two hundred (200) feet from living quarters or a residence for human occupancy, except this shall not apply to living quarters of the owner of such animals.

4. The enclosure in which the animal or animals are kept, or any barn or animal shelter therein, shall at all times be kept in a clean and sanitary condition.

ARTICLE B
DOG AND CAT VACCINATION, TAGS AND TAX

Section 4-120	**Dogs and Cats to be Vaccinated**
Section 4-121	**Dog Registration; Tag**
Section 4-122	**Tag to be Placed on Dog Collar; Lost Tags**
Section 4-123	**Court Proceedings against Vicious or Dangerous Animals**

SECTION 4-120 DOGS AND CATS TO BE VACCINATED

The owner of a dog or cat shall have the dog or cat vaccinated against rabies by a veterinarian every calendar year, or, in the case of a pup or kitten, before it is four (4) months old. The person vaccinating the dog or cat shall furnish a certificate or statement of vaccination.

SECTION 4-121 DOG REGISTRATION; TAG

A. A fee in such sum as set by the City Council by motion or resolution for every dog more than six (6) months of age is hereby levied upon the owner of any such dog kept or harbored within the City.

B. The regulatory fee levied in this section shall not apply to a dog only temporarily brought and kept within the City, nor to a dog brought within the City to participate in a dog show, nor to a "seeing eye" dog when such dog is actually being used by a blind person to aid him in going from place to place, nor to dogs being kept in kennels or pet shops for sale.

C. The owner shall pay the fee levied to the City for every calendar year and within fifteen (15) days after acquiring or bringing the dog into the City. The licenses shall expire one (1) year from the date the license was last issued and shall not be issued for less than one (1) year.

D. The person offering the fee shall present to the City the certificate of a veterinarian or other person legally authorized to immunize dogs showing that the dog has been immunized against rabies during the preceding six (6) months prior to issuance of the license.

E. The owner of the dog shall, at the time of paying the fee, register the dog by giving the name and address of the owner, the name, breed, color and sex of the dogs, and such other reasonable information as the City may request.

F. The City shall deliver an original receipt to the owner and also an appropriate tag to him for the dog. The tag shall constitute a license for the dog.

Ed. Note: Prior Code set license fee at One Dollar ($1.00) for males and spayed female dogs and Two Dollars ($2.00) per year for unspayed females.

SECTION 4-122 TAG TO BE PLACED ON DOG COLLAR; LOST TAGS

A. The owner shall cause the tag received from the City to be affixed to the collar of the dog so that the tag can easily be seen by officers of the City. The owner shall see that the tag is so worn by the dog at all times.

B. In case the tag is lost before the end of the year for which it was issued, the owner may secure another for the dog by applying to the City, presenting to him the original receipt, and paying to him a fee as set by the City Council.

SECTION 4-123 COURT PROCEEDINGS AGAINST VICIOUS OR DANGEROUS ANIMALS

A. It is unlawful to own or harbor a vicious animal.

B. Any dog or other animal alleged to be vicious or dangerous may be proceeded against in the municipal court, after a complaint has been duly filed therein by any person having knowledge thereof. If the court shall find that, at such time:

1. The dog or other animal has attacked a person, and:

   a. The person so attacked was not at the time trespassing upon the property of the owner or person having control of such dog or other animal; or

   b. It cannot be proved beyond a reasonable doubt that the person so attacked was provoking or teasing such dog or other animal; or

2. The dog or other animal is of such vicious and fierce disposition as to attack human beings without provocation, then the court shall have the authority to order such dog or other animal kept muzzled or that such dog or other animal be kept within a sufficient enclosure. If such dog or other animal has bitten or attacked a human being on other occasions, the court may order that it be delivered to the Enforcement Officer and destroyed by him.

Cross Reference: Municipal court, Section 6-101 of this Code.

ARTICLE C
ANIMAL CONTROL SHELTER

Section 4-130	**Shelter Established**
Section 4-131	**Animals to be Impounded**
Section 4-132	**Breaking Animal Control Shelter**
Section 4-133	**Fees for Impounding**
Section 4-134	**Owner May Redeem**
Section 4-135	**Sale or Destruction of Impounded Animals**
Section 4-136	**Adoption**
Section 4-137	**Owner May Claim Excess Money**

SECTION 4-130 SHELTER ESTABLISHED

The City Council is by Motion or Resolution authorized to enter into a contract with a licensed veterinarian for the purpose of establishing, operating and maintaining an animal shelter for animals running upon the streets, curbing, alleys, public places or trespassing upon the lands of any person within the corporate limits of the City in violation of this Article. The City Council is also authorized to join in a cooperative effort with the county or any other community in the county for the purposes of impounding animals. (Ord. No. 2009-07-01, 07/13/2009)

SECTION 4-131 ANIMALS TO BE IMPOUNDED

A. The Enforcement Officer, a police officer, or such other officer or employee of the City as may be authorized by the City:

1. Shall take into custody and impound any animal running at large in violation of any provision of the ordinances of the City; and

2. May enter upon the premises of the owner or other private premises to take such animal into custody.

B. Any other person may take such animal into custody and present it to the authority in charge of the animal control shelter for impounding.

SECTION 4-132 BREAKING ANIMAL CONTROL SHELTER

No unauthorized person shall:

1. Break or attempt to break open the animal control shelter, or take or let out any animal therefrom;

2. Take or attempt to take from any officer or employee of the City any animal taken into custody as provided by this Chapter; or

3. In any manner interfere with or hinder an officer or employee in the discharge of his duties relating to the taking into custody and impounding of animals as provided in this Chapter.

SECTION 4-133 FEES FOR IMPOUNDING

A. The City Council by motion or resolution shall determine the fees to be charged for impounding and keeping animals. In computing the fee, a fraction of a day during which an animal has been fed shall be deemed a full day.

B. Any person redeeming an impounded animal shall pay the required fees to the City Treasurer and present his receipt therefore to the person in charge of the control shelter before the latter releases the animal.

C. Any person redeeming a dog not licensed as required by Sections 4-120 through 4-126 of this Code shall pay the required license tax to the City Treasurer, secure a tag, and present the receipt therefore and the tag to the person in charge of the control shelter before the latter releases the dog. If a dog has been licensed but is not wearing the tag, the person in charge of the control shelter shall require adequate evidence of the proper licensing of the dog or cat before releasing it.

Ed. Note: Prior Ordinance set fee at Ten Dollars ($10.00) per day plus an impound fee of Five Dollars ($5.00).

SECTION 4-134 OWNER MAY REDEEM

A. An owner of an impounded animal or his agent may redeem the animal, prior to its sale or destruction as provided for herein, by paying the required fees against the animal and meeting any other requirements which may be prescribed in this Chapter. However, when in the judgment of the Enforcement Officer, an animal should be destroyed for humane reasons, such animal may not be redeemed.

B. Those dogs not vaccinated or registered, that are impounded, will not be released until impounding costs, plus registration and vaccination fees are paid, and the dog is provided with a collar displaying such tag.

C. No person shall be permitted to reclaim any dog found to be rabid or vicious. No person shall be allowed to reclaim any dog found to be a nuisance, if the municipal court has required the posting of the bond hereinbefore set forth, until such bond is posted and approved by the municipal judge. However, the owner may reclaim any dog seized under the terms of this Article within the time and by meeting the conditions stated as follows:

1. Within three (3) days after the expiration of the fourteen (14) day observation period when a dog is held because of being suspected of having rabies or having bitten a human being; and

2. As to every other dog, within three (3) days from the date of seizure, the owner may claim any dog by submitting proof of his ownership of the dog to the City Clerk and upon paying the impounding fees hereinbefore provided for. No impounding fee shall be charged for any licensed dog surrendered to the owner on acquittal or dismissal of the charges that the dog was a nuisance or vicious. (Ord. No. 2012-3-01, 03/13/2012)

D. At the expiration of the time above set out in which the owner may reclaim any dog seized under the provisions of this Section it shall be the duty of the person designated by the City Council to destroy such unclaimed dogs or after approval of the Mayor cause same to be offered for sale. (Ord. No. 2012-3-01, 03/13/2012)

SECTION 4-135 SALE OR DESTRUCTION OF IMPOUNDED ANIMALS

A. As soon as practicable after any animal has been impounded, the Enforcement Officer or other employee or officer impounding the animal, shall post a notice thereof at City Hall. The notice shall describe the animal and notify the owner, if known, to pay the charges thereon and remove the same prior to a designated time. The notice shall also state that, unless the animal is redeemed, the animal will be sold or destroyed as provided in this Article. (Ord. No. 2012-3-01, 03/13/2012)

B. Sales herein provided for shall be for cash and shall be conducted by, or under the direction of the Mayor. In no case shall the price of an animal be less than the fees, set out in this Article, which have accrued against the animal. If an impounded animal cannot be sold, the animal shall be destroyed, in a humane and legal manner. (Ord. No. 2012-3-01, 03/13/2012)

C. The purchaser of an animal at a sale held as provided herein shall acquire absolute title to the animal purchased.

D. The Enforcement Officer shall pay to the City all money received from the sale of impounded animals on the day it is received.

State Law Reference: Authorized means of destroying animals in animal shelters, 4 O.S. Sections 501 to 508.

SECTION 4-136 ADOPTION

If any dog is not reclaimed by its owner with a current annual registration certificate within seventy-two (72) hours after confinement, the dog may be adopted by any person upon payment of board fees for the period of confinement. Within two (2) days from the day of adoption, the person adopting such dog shall secure a current annual registration for such dog. No unspayed female dog shall be allowed to be adopted until such prospective owner agrees that such unspayed female dog shall be spayed before the owner shall seek to secure an annual registration certificate as required above. Failure to pay the impounding fee or failure to secure an annual registration certificate within the two (2) days allowed shall constitute a violation of this Code.

SECTION 4-137 OWNER MAY CLAIM EXCESS MONEY

The owner of an impounded animal sold as provided herein may claim the excess of the sale price of the animal above the fees for impounding and keeping the same and a fee of Five Dollars ($5.00) to reimburse the City for any expense it has had in making the sale, at any time within three (3) months after the sale. If a claim is so made and approved by the City Council, the City Treasurer shall pay him such excess. If a claim is not made, the excess shall belong to the City.

ARTICLE D
CRUELTY TO ANIMALS

Section 4-140	**Abandoning Animals**
Section 4-141	**Cruelty to Animals**
Section 4-142	**Poisoning Animals**
Section 4-143	**Encouraging Animals to Fight**

SECTION 4-140 ABANDONING ANIMALS

It is unlawful for any person to deposit within the limits of this City any animal or animals with the intention of abandoning same.

SECTION 4-141 CRUELTY TO ANIMALS

A. It is unlawful to carry out inhumane treatment against any animal. Inhumane treatment is hereby defined to include, but is not limited to, the following:

1. Any physical punishment inconsistent with the health of such animal;

2. Lack of food or water for more than a twenty-four (24) hour period;

3. Knowingly permitting obvious nutritional deficiencies or other evident health problems involving any animal;

4. Improper use of any collar or harness or a fixed leash for the purpose of confining any animal which results in flesh lacerations, obvious pain or to cause choking to such animal;

5. Depriving animal of adequate shelter; or

6. To inhumanely kill or attempt to kill any animal.

B. It is unlawful for any person to set out, dispose of, cause or permit any animal to be exposed to any drug, chemical or other substance whatever, in any open place, whether public or private property, when such substances are poisonous or capable of causing the death or dangerous sickness of any domestic or household animal.

C. Upon conviction of a violation of this Chapter for inhumane treatment to an animal it is unlawful for the owner or keeper of such animal to not release such animal kept in inhumane conditions to an Enforcement Officer for disposition in accord with the provisions of this Chapter.

State Law Reference: Cruelty to animals, 21 O.S. Section 168.

SECTION 4-142 POISONING ANIMALS

It is unlawful for a person willfully to poison any dog or other animal except a noxious, non-domesticated animal or knowingly to expose poison so that the same may be taken by such an animal.

SECTION 4-l43 ENCOURAGING ANIMALS TO FIGHT

It is unlawful for any person to instigate or encourage a fight between animals; or to encourage one animal to attack, pursue or annoy another animal except a noxious, non-domesticated animal or to keep a house, pit or other place used for fights between animals.

State Law Reference: Similar provisions, 21 O.S. Section 1682.

ARTICLE E
WILD, EXOTIC OR DANGEROUS ANIMALS

Section 4-150 Keeping of Wild, Exotic or Dangerous Animals

SECTION 4-150 KEEPING OF WILD, EXOTIC OR DANGEROUS ANIMALS

A. For the purpose of this section, a wild, exotic or dangerous animal means an animal of the larger variety which is usually not a domestic animal and which can normally be found in the wild state, with or without mean or vicious propensities, including, but not limited to, lions, tigers, leopards, panthers, bears, wolves, alligators, crocodiles, apes, foxes, elephants, rhinoceroses, and all forms of poisonous or large snakes, including those considered dangerous such as boas and pythons, lynxes, raccoons, skunks, monkeys, and other like animals.

B. It is unlawful to keep or harbor any wild, exotic or dangerous animal in the City limits as a pet or for display or for exhibition purposes, whether gratuitously or for a fee, except as provided in this section.

C. This Section shall not be construed to apply to zoological parks or zoos, performing animal exhibitions or circuses licensed by the City.

D. If the owner of a wild, exotic or dangerous animal can establish to the police department's satisfaction that an animal ordinarily considered as wild, dangerous or exotic is not dangerous to people or other animals and that the animal is healthy, safe and tame as a pet, then the City Clerk may issue a permit to the owner to keep such animal in the City limits. The permit shall be renewed annually. The fee shall be set by the City Council. For any animal so permitted as provided in this subsection, the owner agrees to accept full responsibility for the actions and behavior of such animal. The establishment of whether such animal is healthy, safe and tame as a pet shall be the responsibility of the owner of the animal by submitting written evidence to the Police Department. No permit shall be granted by the clerk unless written approval to the evidence submitted by the owner is submitted to the clerk in advance.

ARTICLE F
ZONING ORDINANCE TO PREVAIL

Section 4-160 Zoning Ordinance to Prevail

SECTION 4-160 ZONING ORDINANCE TO PREVAIL

In case of conflict between this Chapter and the present or any future Zoning Ordinance, the provision of the Zoning Ordinance shall prevail and supersede the provision of this Chapter.

ARTICLE G
PROCLAMATION OF RABIES

Section 4-170	**Dogs and Cats Confined; When**
Section 4-171	**Quarantine of Animals for Observation**
Section 4-172	**Securing Support Information on Diagnosed Animals**
Section 4-173	**Rabies Crisis Declaration**
Section 4-174	**Destruction of Animals under Crisis Period**
Section 4-175	**Surrender of Animals under Suspect**

SECTION 4-170 DOGS AND CATS CONFINED; WHEN

A. When the Health Officer or chief of police determines and certifies that a dog, a cat, or other animal in the City or within five (5) miles of the City is or was infected with rabies and that an epidemic of rabies threatens the City, the City Council, by resolution, may order all dogs to be confined, and if deemed desirable, all cats to be confined, during a period of time to be determined by the City Council. Such resolution or an adequate notice of its passage shall be published in a newspaper of general circulation within the City and shall go into effect on the day following such publication unless the resolution prescribes a later time.

B. While such resolution is in effect, it is unlawful for any owner to permit a dog or cat to be at large in violation of such resolution, or for any dog or cat to be at large in violation thereof.

SECTION 4-171 QUARANTINE OF ANIMALS FOR OBSERVATION

A. The identity and address of the owner of any animal that bites a person shall be promptly furnished to the Enforcement Officer and the county health department. The animal, regardless of its immunization status, shall be securely quarantined at a veterinary hospital of the owner's choice at the owner's expense. The animal shall be observed by a licensed veterinarian for a period of ten (10) days and may not be released until such reasonable determination has been made that the animal is not infected with rabies, unless the bite was a severe bite by an unimmunized animal. In circumstances of a severe bite (bite on the head, face, neck or upper extremities; or deep laceration; or multiple bite wounds) by an unimmunized animal, the biting animal should be humanely killed immediately, without damaging the head, and the head removed and shipped, under refrigeration, for examination at the Oklahoma State Department of Health. If the animal is not immediately available for testing, the individuals exposed should consult with their physician concerning the need for immediate initiation for rabies prophylaxis. If an owner becomes known, the animal may be reclaimed by the owner if adjudged free of rabies, and such owner shall then pay any related charges for confinement. Signs of rabies in wild animals cannot be interpreted reliably; therefore, any wild animal that exposes a person should be killed at once (without unnecessary damage to the head) and the head submitted for examination for evidence of rabies.

B. It is the duty of every physician, veterinarian or other practitioner to report to the Enforcement Officer the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

C. It is the duty of every licensed veterinarian to report to the Enforcement Officer his diagnosis of any animal observed by him to be a rabid suspect.

SECTION 4-172 SECURING SUPPORT INFORMATION ON DIAGNOSED ANIMALS

When an animal under quarantine has been diagnosed as being rabid or is suspected of having rabies by a licensed veterinarian and dies while under such observation, the Enforcement Officer, veterinarian, the City Health Officer, or other designated emissary shall immediately send the necessary part of such animal to the state health department for pathological examination and shall notify the proper public Health Officer of any reports of human contact.

SECTION 4-173 RABIES CRISIS DECLARATION

When a report gives a suspected or a positive diagnosis of rabies, or when the City, county or state health officials feel that a rabies crisis may be imminent, the health officials may recommend to the City manager City-wide quarantine, and upon the invoking of such quarantine by the City Council, by resolution, no animal shall be taken into the streets or permitted to be in the streets, except for short periods of exercise under leash and control of a competent adult. During the quarantine no animal may be taken or removed from the City without written permission of the animal control officer. This declaration must be made by notice in a general circulated newspaper of the community and will last as long as health officials determine the situation requires such action.

SECTION 4-174 DESTRUCTION OF ANIMALS UNDER CRISIS PERIOD

A. During the period of rabies quarantine as mentioned every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed, or at the owner's expense and option, shall be treated for a rabies infection by a licensed veterinarian, or held under six (6) month quarantine by the owner in the same manner as a female in season. The period of quarantine may be extended from time to time.

B. In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for an additional six (6) months.

C. No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting or scratching a human, except as herein provided, nor to remove same from the City limits without written permission from the Health Officer of the City or the Enforcement Officer.

D. The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the Enforcement Officer.

E. The Enforcement Officer shall direct the disposition of any animal found to be infected with rabies.

SECTION 4-175 SURRENDER OF ANIMALS UNDER SUSPECT

No person shall remove from the City any animal suspected of having been exposed to rabies, or any animal which has bitten a human, except as herein provided. The carcass of any dead animal exposed to rabies shall be surrendered to the Enforcement Officer upon demand, and the Enforcement Officer shall direct disposition of the animal. No person shall refuse to surrender any animal for quarantine or destruction when such demand is lawfully made by the Enforcement Officer.

ARTICLE H
KENNELS

Section 4-180 Kennel License; Fee

SECTION 4-180 KENNEL LICENSE; FEE

A. Every person owning, keeping or harboring within the City limits, three (3) or more dogs over the age of six (6) months, shall be required to obtain a License for the operation of a Kennel from the City Clerk for that purpose no later than the 30th day of May of each year, and shall pay each year to the City Clerk an annual license fee for the operation of Kennel in the sum of Fifty Dollars ($50.00). The License granted to the owner for the operation of a Kennel shall be retained by the owner and produced upon request of any City employee designated by the Mayor. The License must be renewed annually with the City Clerk and a fee shall be charged for each yearly recertification in the sum of Fifty Dollars ($50.00).

B. It shall be unlawful for any person to own or operate a Kennel for dogs within the City limits of the City of Shidler without obtaining a License from the City Clerk.

ARTICLE I
PENALTY

Section 4-190 Penalty

SECTION 4-190 PENALTY

Any person, firm or corporation who violates any Ordinance or provision of this Chapter, or who violates, or refuses or neglects to carry out any reasonable order made by the Health Officer pursuant to this Chapter, shall, upon conviction thereof, be punished as provided in Section 1-108 of this Code. The penalties provided for herein shall be in addition to other remedies of the City and aggrieved persons and shall not be construed as exclusive.

PART 5
BUILDING REGULATIONS AND CODES

CHAPTER 1
BUILDING CODE

Section 5-101	Building Code Adopted
Section 5-102	Additions and Changes to Building Code
Section 5-103	Penalty
Section 5-104	Building Official
Section 5-105	Fire Limits Defined
Section 5-106	Building Permit Required; Fee
Section 5-107	Building Contractor's License

CHAPTER 2
PLUMBING CODE

Section 5-201	Plumbing Code Adopted
Section 5-202	Additions, Insertions and Changes to Plumbing Code
Section 5-203	Plumbers; Registrations, Permits and Fees
Section 5-204	Plumbing; Permits and Inspections

CHAPTER 3
ELECTRICAL CODE

Section 5-301	"Electrical Equipment" Defined
Section 5-302	National Electrical Code
Section 5-303	Underwriters Laboratories, Inc.
Section 5-304	City may make Special Rulings

CHAPTER 4
LIQUEFIED PETROLEUM GAS

Section 5-401	Persons Must Comply with State Law

CHAPTER 5
GAS PIPING CODE

Section 5-501	Pamphlet Adopted

CHAPTER 6
MECHANICAL CODE

Section 5-601	Mechanical Code Adopted
Section 5-602	Additions, Insertions and Changes to Mechanical Code

CHAPTER 7
FAIR HOUSING

Section 5-701	Intent
Section 5-702	Acts Prohibited
Section 5-703	Acts Exempted
Section 5-704	Fair Housing Council Created
Section 5-705	Fair Housing Council Powers
Section 5-706	Complaint Procedure
Section 5-707	Hearing by Council
Section 5-708	Penalty

CHAPTER 8
PROCEDURES AND PENALTIES

Section 5-801	Injunctions
Section 5-802	Appeals, Exceptions
Section 5-803	Penalty
Section 5-804	Relief in Courts

CHAPTER 9
PROPERTY MAINTENANCE CODE

Section 5-901	Property Maintenance Code Adopted
Section 5-902	Additions, Insertions and Changes to Property Maintenance Code

CHAPTER 1
BUILDING CODE

Section 5-101	**Building Code Adopted**
Section 5-102	**Additions and Changes to Building Code**
Section 5-103	**Penalty**
Section 5-104	**Building Official**
Section 5-105	**Fire Limits Defined**
Section 5-106	**Building Permit Required; Fee**
Section 5-107	**Building Contractor's License**

SECTION 5-101 BUILDING CODE ADOPTED

The International Code Council, Inc., has published construction codes that supersede, cooperatively, the Building Officials and Code Administrator=s International, Inc., Codes previously adopted. The International Building Code is hereby adopted as the Building Code of the City for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the International Building Code are hereby referred to, adopted, incorporated and made a part hereof as if fully set out in this Code with the additions, insertions, deletions and changes, if any, prescribed in this Chapter. A copy of this Code is kept on file in the office of the City Clerk. (Ord. 193; 06/09/03)

SECTION 5-102 ADDITIONS AND CHANGES TO BUILDING CODE

The following Sections of The International Code Council, Inc., International Building Code are hereby revised as follows:

1. Section 101.1, insert ACity of Shidler@;

2. Section 1612.3, insert ACity of Shidler, dated November 19, 1980";

3. Section 3409.2, insert 15th day of April, 2002.

SECTION 5-103 PENALTY

A person who violates a provision of this Code or fails to comply therewith or with any of the requirements thereof, or who erects, constructs, alters, repairs or removes, or has erected, constructed, altered, repaired, or removed a building or structure in violation of a detailed statement or plan submitted and approved thereunder or of a permit or certificate issued thereunder, shall be guilty of a misdemeanor, and upon conviction shall be fined any sum as provided in Section 1-108 of this Code, including costs. Each day upon which a violation continues shall be deemed a separate offense.

SECTION 5-104 BUILDING OFFICIAL

The Building Official of this City shall be appointed by the City Council and shall have the powers and duties prescribed for the "Building Official" by the City's Building Code; provided that his powers and duties may be exercised by his authorized representatives under his supervision and control. The term "Building Inspector", whenever used in the Ordinances of the City, means the Building Official. The terms "Electrical Inspector", "Plumbing Inspector", and "Gas Inspector", wherever used in the

Ordinances of the City, also each refer to and mean the Building Official, unless a separate Electrical Inspector, Plumbing Inspector, or Gas Inspector is appointed by the City Council.

SECTION 5-105 FIRE LIMITS DEFINED

The fire limits include all of the area in the City Limits as set by the City Council.

SECTION 5-106 BUILDING PERMIT REQUIRED, FEE

A. No building or other structure shall be built, enlarged, altered or moved as required in the Building Code, nor any mobile home or modular home located, relocated or constructed, without a building permit issued by the City Building Official. Whenever a building or structure is to be moved from outside the City to a location within the City or from one location in the City to another location within the City, a building permit is required.

B. A person desiring a building permit shall submit an application therefor to the City Clerk. The applicant shall submit with the application such reasonable information as may be required to enable the Building Official to determine whether granting the permit would be in accordance with the requirements of the Ordinances of the City and applicable laws. Prior to issuance of a residential building permit, the Applicant must provide a certificate of insurance that the contractor has general liability insurance in an amount required by other construction trade contractors licensed by the Construction Industries Board, currently Fifty Thousand ($50,000.00), and that the contractor has worker's compensation insurance or a workers' compensation exemption verification document. (Ord. No. 2-2010; 04/19/2010)

C. If the application is in accordance with the requirements of the Ordinances and Laws, the City Clerk shall issue the permit upon the payment by the applicant of the following building permit fees, to-wit:

1. City of Shidler building permit fee of Twenty-Five Dollars ($25.00);

2. An additional fee of Four Dollars ($4.00) shall be collected on all construction or building permits issued to be paid unto the Oklahoma Uniform Building Code Commission Revolving Fund.

3. An additional fee of Fifty Cents ($0.50) shall be collected and paid to the City as an administrative fee for collection of the fee paid to the Oklahoma Uniform Building Code Commission Revolving Fund. *State Law: 59 O.S. §1000.25.*

D. If a permit is rejected by the Building Official, the applicant may appeal to the Council. The Official's decision may be reconsidered by the Council.

E. A building permit covers the initial plumbing and electrical installations to be made in connection with the building.

F. All buildings being constructed by public bodies, such as the State, Counties, School Districts, Municipalities, and tax-exempt organizations shall be exempt from the payment of fees for building permits. Such bodies shall comply with all other regulations governing the construction of any building in the City.

SECTION 5-107 BUILDING CONTRACTOR'S LICENSE

No person shall engage in the business of building contracting without obtaining a license from the City and paying the required fee. The fee for building contractor's license is Twenty-Five Dollars ($25.00).

CHAPTER 2
PLUMBING CODE

Section 5-201	**Plumbing Code Adopted**
Section 5-202	**Additions, Insertions and Changes to Plumbing Code**
Section 5-203	**Plumbers; Registration, Permits and Fees**
Section 5-204	**Plumbing; Permits and Inspections**

SECTION 5-201 PLUMBING CODE ADOPTED

The International Code Council, Inc., has published construction codes that supercede, cooperatively, the Building Officials and Code Administrator's International, Inc., Codes previously adopted. The International Plumbing Code is hereby adopted as the Plumbing Code of the City for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the Plumbing Code are hereby referred to, adopted, incorporated and made a part hereof as if fully set out in this Code with the additions, insertions, deletions and changes, if any, prescribed in this Chapter. A copy of this Code is kept on file in the office of the City Clerk. (Ord. 190; 06/09/03)

SECTION 5-202 ADDITIONS, INSERTIONS AND CHANGES TO PLUMBING CODE

The following Sections of The International Code Council, Inc., International Building Code are hereby revised as follows:

1. Section 101.1, insert "City of Shidler";
2. Section 106.6.3, insert "Note more than fifty percent (50%);
3. Section 108.4, insert "Shall be punishable by fine as provided in Section 1-108 of the City Code of Ordinances";
4. Section 108.5, insert "Shall be punishable by fine as provided in Section 1-108 of the City Code of Ordinances";
5. Section 305.6.1, insert "eighteen inches";
6. Section 904.1, insert "twelve inches".

SECTION 5-203 PLUMBERS; REGISTRATION, PERMITS AND FEES

A. The phrases and words "journeyman plumber", "plumber's apprentice", "plumbing contractor" and "plumbing", when used in the ordinances, regulations and other official acts and communications of this City, shall have the meanings respectively prescribed for them by Sections 1001 et seq. of Title 59 of the Oklahoma Statutes, the state plumbing license law, unless the context clearly indicates a different meaning.

B. It is unlawful for any person to engage in the business, trade, or occupation of a plumbing contractor (otherwise known as a master plumber), or of a journeyman plumber, or of a plumber's apprentice, in this City unless he is registered with the City and has a current and

valid certificate of registration issued by this City.

C. For the purpose of this Chapter:

1. Plumbing contractor" means any person, firm, or corporation engaged in the business of installing, repairing or altering any plumbing systems or installing any plumbing equipment or materials of any kind or description in the City and who is skilled in the planning, superintending and practical installation of plumbing work and who is licensed by the Oklahoma State Department of Health and otherwise qualified under the requirements of this Code to engage in the plumbing business;

2. "Journeyman plumber" means any person actually engaged in the work of installed or repairing any plumbing equipment in the City; and

3. "Apprentice plumber" means any person who is learning the plumbing trade and who is competent to assist, under the supervision of a journeyman plumber, in the work of installing or repairing plumbing equipment. A journeyman shall not at any time have more than two (2) apprentice plumbers under his supervision. Supervision as used under this section shall mean that the supervising journeyman plumber shall be present on the job site where the apprentice plumber is working for a period of not less than five (5) hours for an eight (8) hours working period.

D. Only persons who have current and valid licenses as plumbing contractors or as journeyman plumbers issued by the State Commissioner of Health, as provided by law, may register as such with the City. Only persons who have current and valid certificates of registration as plumber's apprentices issued by the State Commissioner of Health, as provided by law, may register as such with the City. Any license issued to a firm is not transferable. If a person ceases to be associated with a licensed firm, the firm is required to secure a new license in the name of the qualified, licensed entity or person.

E. Applicants for certificates of registration, after complying with the laws of the State and with the City Code, and after payment of the fee set by the City, shall be registered by the City Clerk. The registration shall expire annually but may be renewed form year to year. Plumbing contractors desiring to renew their registration shall furnish the same evidence of compliance with state licensing laws and bond as set forth by City Code.

F. An applicant for plumbing contractor's registration shall also furnish bond in such sum and such conditions as set by the City Council.

G. All plumbing registrations no renewed within ninety (90) days after the date of expiration thereof shall be cancelled, and a new application for registration must be made and the fee for a new registration paid.

H. The fees for registration shall be as set by the City Council by motion or resolution.

I. The City Council, upon at least ten (10) days' notice and adequate opportunity for a public hearing, may revoke the City registration of any plumbing contractor or journeyman plumber for violating any provisions of the ordinances or regulations of the City relating to the installation of plumbing or for any other cause specified in the state plumbing license law.

State Law Reference: State plumbing licenses, requirements, 59 O.S. Sections 1001-et seq.

SECTION 5-204 PLUMBING; PERMITS AND INSPECTIONS

A. No plumbing work shall be undertaken without a permit from the plumbing inspector.

B. The application for such work must follow the adopted City Code.

C. The schedule of permit fees may be set forth by resolution or motion of the City Council. Such payment will be made upon application.

D. Inspection of such work must conform to the guidelines set forth in the City Code.

CHAPTER 3
ELECTRICAL CODE

Section 5-301	**"Electrical Equipment" defined**
Section 5-302	**National Electrical Code**
Section 5-303	**Underwriters Laboratories, Inc.**
Section 5-304	**City may make special rulings**

SECTION 5-301 "ELECTRICAL EQUIPMENT" DEFINED

The term "electrical equipment" used in this Chapter refers to electrical conductors, metallic raceways, fittings, devices, fixtures, appliances, apparatus, and any electrical material of any nature, kind, or description, to be installed within or on any building or structure.

State Law Reference: State electrical requirements, licensing by state, 59 O.S. Sections 1680 to 1696.

SECTION 5-302 NATIONAL ELECTRICAL CODE

All installations of electrical equipment shall be in conformity with the provisions of this Chapter, with the statutes of the state and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property. Where no specific standards are prescribed by this Chapter or by the statutes of the State of Oklahoma or by any orders, rules, or regulations issued by authority thereof, conformity with the regulations set forth in the current issue of the National Electrical Code as approved by the National Fire Protection Association, shall be prima facie evidence of conformity with approved standards for safety to persons to property.

SECTION 5-303 UNDERWRITERS LABORATORIES, INC.

All electrical equipment installed or used shall be in conformity with the provisions of this Chapter, the statutes of the state and the provisions of this Chapter, the statutes of the State and any orders, rules and regulations issued by the authority thereof, and with approved electrical standards for safety to persons or to property. Unless by this Chapter, by a statute of the State or any orders, rules, or regulations issued by authority thereof, a specific type or class of electrical equipment is disapproved for installation and use, conformity with the standards of Underwriters' Laboratories, Inc., shall be prima facie evidence of conformity with approved standards for safety to persons or to property.

SECTION 5-304 CITY MAY MAKE SPECIAL RULINGS

The City Council of the City, by motion or resolution, shall have the authority to make special rulings, when circumstances warrant, for the safeguarding of life and property and the improvement of electrical installations. In all cases, persons engaged in the installing of electrical equipment and holding an electrical license must be notified by letter of these decisions.

CHAPTER 4
LIQUEFIED PETROLEUM GAS

Section 5-401 Code Adopted

SECTION 5-401 CODE ADOPTED

It is unlawful for any person, firm or corporation to manufacture, fabricate, assemble, install, or repair any system, container, apparatus, or appliance to be used for the transportation, storage, dispensing, or utilization of liquefied petroleum gas, or to transport, handle, or store such gas, unless such person has complied with and complies with all provisions of the law and Ordinances relating thereto, and has any license or permit which may be required by state law. The pamphlet, Storage and Handling of Liquefied Petroleum Gases, as contained in Pamphlet No. 58 issued by the National Fire Protection Association, the latest edition thereof, adopted by the Oklahoma Liquefied Petroleum Gas Board, shall have full force and effect within this City. Any violation of these rules and regulations shall be deemed a violation of the ordinances of the City and shall be punished accordingly.

State Law Reference: State rules, LPG, 52 O.S. Sections 420.1 et seq.

SECTION 5-501 PAMPHLET ADOPTED

Pamphlet No. 54 published by the National Fire Protection Association, entitled National Fuel Gas Code, the latest edition thereof, is hereby adopted and incorporated in this Code by reference. The pamphlet shall be in full force and effect in the City and shall govern the installation of gas piping and gas appliances in the City. Any violation of the provisions of the pamphlet shall be deemed a violation of the Ordinances of the City.

CHAPTER 6
MECHANICAL CODE

Section 5-601 **Mechanical Code Adopted**
Section 5-602 **Additions, Insertions and Changes to Mechanical Code**

SECTION 5-601 MECHANICAL CODE ADOPTED

The International Code Council, Inc., has published construction codes that supercede, cooperatively, the Building Officials and Code Administrator's International, Inc., Codes previously adopted. The International Mechanical Code is hereby adopted as the Mechanical Code of the City. The Mechanical Code shall be fully applicable and enforceable in governing mechanical work in the City. Each and all of the regulations, provisions, penalties, conditions and terms of the Mechanical Code are hereby referred to, adopted, incorporated and made a part hereof as if fully set out in this Code with the additions, insertions, deletions and changes, if any, prescribed in this Chapter. A copy of this Code is kept on file in the office of the City Clerk. (Ord. 191; 06/09/03)

SECTION 5-602 ADDITIONS, INSERTIONS AND CHANGES TO MECHANICAL CODE

The following Sections of The International Code Council, Inc., International Building Code are hereby revised as follows:

1. Section 101.1, insert "City of Shidler";

2. Section 106.5.3, insert "Note more than fifty percent (50%);

3. Section 108.4, insert "Shall be punishable by fine as provided in Section 1-108 of the City Code of Ordinances";

Section 108.5, insert "Shall be punishable by fine as provided in Section 1-108 of the City Code of Ordinances". (Ord. 191; 06/09/03)

CHAPTER 7
FAIR HOUSING

Section 5-701	**Intent**
Section 5-702	**Acts Prohibited**
Section 5-703	**Acts exempted**
Section 5-704	**Fair Housing Council Created**
Section 5-705	**Fair Housing Council Powers**
Section 5-706	**Complaint Procedure**
Section 5-707	**Hearing by Council**
Section 5-708	**Penalty**

SECTION 5-701 INTENT

The general intention of the City in providing for the passage of this Chapter is as follows:

1. To secure for all residents of the City equal access to housing in all neighborhoods and areas of the City; and

2. To preserve the public welfare, to provide for the preservation of public peace, health and safety.

SECTION 5-702 ACTS PROHIBITED

It is unlawful for any person, firm, corporation or association to commit any of the following acts:

1. Refuse to sell, lease, rent, assign or otherwise transfer the title or other interest in any housing, or real property upon which residential housing is to be constructed to any person, or to discriminate in the terms or conditions of the sale, rental or leasing of any residential housing unit, because of race, color, sex, religion or national origin;

2. Refuse to negotiate with any person for the sale, rental or leasing of any residential property, or to represent that such property is not available for inspection, sale, rental or lease when in fact it is so available, because of such person's race, color, sex, religion or national origin;

3. To solicit or induce, or attempt to solicit or induce, any person owning any interest in any residential housing to sell, rent or lease, or not to sell, rent or lease such housing to any person on the grounds of loss of value due to the present or prospective entry into the neighborhood of a person or persons of another race, color, sex, religion, or national origin, either by direct solicitation or inducement or by the purchase of other property in the neighborhood for the purpose of such inducement, or to distribute, or cause to be distributed material or making statements designed to induce a residential property owner to sell or lease his property due to such change in neighborhood; or

4. To file a complaint alleging a violation of this Chapter, with knowledge that such complaint is false in any material respect, or to file such complaint for the sole purpose of harassment.

SECTION 5-703 ACTS EXEMPTED

Nothing contained herein shall apply to the following:

1. To prohibit persons from giving preference to prospective buyers or tenants for reasons other than race, color, religion, or national origin;

2. To the sale of a dwelling which is, or was at the time when first offered for sale, the principal residence of its owner;

3. To the rental of rooms in an owner-occupied residence or in a dwelling used exclusively as a rooming house;

4. To the rental or leasing of a housing unit in a building containing less than four (4) housing units; or

5. To the rental or leasing of a dwelling or housing units owned by a religious or fraternal organization, or private club used and occupied for such organizational purposes.

SECTION 5-704 FAIR HOUSING COUNCIL CREATED

There is hereby created a Fair Housing Council of the City, hereinafter referred to as "council", composed of the members of the City Council. All appointments to the council shall be the same as and run concurrently with the term of office of the City Council.

SECTION 5-705 FAIR HOUSING COUNCIL POWERS

The powers of the Fair Housing Council shall be as follows:

1. Have the power to prescribe such rules and regulations as it shall deem necessary or expedient for the conduct and carrying out of its functions, and it shall have the power to revoke, suspend, or amend any rule or regulation as administered by the council, regardless of the manner in which prescribed;

2. Seek settlement and disposition of any complaint filed with the council by means of conferences and conciliation;

3. As to investigation:

   a. Have the power, either by itself or by any officer or person designated for the purposes by it, to investigate and to examine or inquire into the affairs or operation of any person, firm, corporation or association within its jurisdiction; and further when so authorized by the City Council for the City, the council shall have the power to employ consultants and professional counsel to aid in such investigations, examinations or inquiries;

   b. For the purposes of gathering evidence on any subject, the council shall have the power to subpoena and examine witnesses, books, papers, and other effects; and

4. The council shall have the authority to initiate in its name, or to receive and initiate upon the filing of formal charges, complaints against any person, firm, corporation or association violating any of the provisions of this Chapter.

SECTION 5-706 COMPLAINT PROCEDURE

A. Any person aggrieved by discriminatory practice prohibited by this section, may file with the Fair Housing Council, a complaint in writing under oath. The complaint shall be signed by the person claiming to be aggrieved and shall state the name and address of the person alleged to have violated the provisions of this section and shall further set forth the particulars of the violation and may include such other information as may be required by the council. Complaints filed under this section must be filed within thirty (30) days after the alleged violation, and failure to file within the time, shall be considered a waiver of the application of this section. The council may issue a complaint on its own initiative, at any time it is within the knowledge of the council that a person has violated any of the provisions of this section.

B. The council shall investigate each complaint filed with the council and shall attempt an adjustment of the complaint by means of conference and conciliation. Sixty (60) days shall be allowed for the purpose of investigation, conference and conciliation. Upon determination that a complaint is not well founded, the council shall dismiss the complaint and notify the complainant and respondent in writing of the dismissal. If the council takes no action within ninety (90) days of the filing of the complaint, it shall be considered as dismissed.

SECTION 5-707 HEARING BY COUNCIL

A. If the council is unsuccessful by means of conference or conciliation in securing compliance with this section by any person, firm, corporation or association against which a complaint has been filed, then a notice in writing shall be served upon the person complained against (hereinafter referred to as the "respondent). Notifying the respondent of the alleged violation of the provisions of this Chapter and requesting that the respondent answer charges of the complaint at a hearing before the council.

B. The council shall give notice of any such hearing at least ten (10) days before the date and time which such hearing has been set. Any and all notices required under the provisions of this Chapter may be served personally on any person complained against, or by mailing a copy thereof by certified registered mail, with return receipt requested, to the most current business or residential address of the person.

C. The notice shall contain the request for the respondent to appear at a hearing for the purposes of determining whether or not a violation of this Chapter has been committed, which hearing shall be held at a certain time and place which shall be specified in the notice. The notice shall advise the respondent that upon failure to comply with the notice, the respondent shall be considered to be in violation of the provisions of this Chapter.

D. As to hearings by council:

1. As any such hearing, as provided for above, the complaint shall be heard by the council. At the hearing, the respondent, person, firm, corporation, or association shall appear either in person, or by counsel and shall be required to file a written answer to the complaint. The complainant or person aggrieved by the actions of the person, firm,

corporation or association may also appear in person or by counsel at the hearing. The council will then proceed to hold a hearing to determine whether the respondent has committed an act in violation of the provisions of this Chapter and which act is detrimental to the health, benefit and welfare of the public, the community, and the citizens of the City;

2. The council, when conducting any hearing, shall permit both the person aggrieved and the respondent to introduce any such witnesses, evidence, testimony, or exhibits as either party deems necessary and prudent. Further the council may at such time permit amendments to any written complaint or answer as filed with the council and all testimony taken at the hearing shall be under oath. Either party represented at the hearing shall have the right to request that the testimony be transcribed, or the testimony shall be transcribed at the direction of the council:

   a. If the council finds at any such hearing, that the respondent has engaged in discriminatory practices as prohibited by this Chapter, it shall state its finding of fact in written report form and forward the report to the City Attorney for appropriate action; or

   b. If the council, upon hearing, finds that respondent has not engaged in any discriminatory practices as prohibited herein, it shall so state its findings in written form, and further shall issue and file an order dismissing the complaint.

E. The council shall have the authority and right to promulgate such rules and regulations and shall govern, expedite, and assist the foregoing procedures as it deems necessary. It shall further maintain all files as provided for herein.

SECTION 5-708 PENALTY

Any person, firm or corporation or other legal entity which shall violate any of the provisions of this Chapter or fails to comply therewith or with any of the requirements thereof shall be deemed guilty of an offense punishable as provided in Section 1-108 of this Code.

CHAPTER 8
PROCEDURES AND PENALTIES

Section 5-801	**Injunctions**
Section 5-802	**Appeals, Exceptions**
Section 5-803	**Penalty**
Section 5-804	**Relief in Courts**

SECTION 5-801 INJUNCTIONS

The City Attorney, upon discovery of any violations of the provisions of this part, may immediately seek injunction relief against those persons violating provisions of this part, and to bring civil action against such persons for damages and expenses resulting from any violations of provisions of this Part.

SECTION 5-802 APPEALS, EXCEPTIONS

Any person feeling aggrieved by any action taken by the City Clerk in connection with the provisions of this part, or other related ordinances, may appeal from the decision of the City Clerk. Such appeal shall be in writing and must be taken within ten (10) days from the date of the action complained of, and the appeal shall be lodged with the City Council. Upon the filing of an appeal under this Chapter, the City Council shall assemble as soon as is convenient thereafter for the purpose of conducting a hearing on the appeal. The City Council may, only in cases of extreme hardship, grant exceptions to this title. The decision of the City Council upon all questions of fact shall be final.

SECTION 5-803 PENALTY

Any person, firm or corporation who shall engage in any business, trade or vocation for which a license, permit, certificate or registration is required by this part, without having a valid license, permit, certificate, or certificate of registration as required, or who shall fail to do anything required by this Part or by any Code adopted by this Part, or who shall otherwise violate any provision of the Chapters in this Part or of any Code adopted by this Part, or who shall violate any lawful regulation or order made by any of the officers provided for in this Part, shall be guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this Code.

SECTION 5-804 RELIEF IN COURTS

No penalty imposed by and pursuant to this part shall interfere with the right of the City also to apply to the proper Courts of the State for a mandamus, an injunction or other appropriate action against such person, firm or corporation.

CHAPTER 9
PROPERTY MAINTENANCE CODE

Section 5-901 **Property Maintenance Code Adopted**
Section 5-902 **Additions, Insertions and Changes to Property Maintenance Code**

SECTION 5-901 PROPERTY MAINTENANCE CODE ADOPTED

The International Code Council, Inc., has published property maintenance codes that supercede, cooperatively, the Building Officials and Code Administrator's International, Inc., Codes previously adopted. The International Property Maintenance Code is hereby adopted as the Property Maintenance Code of the City for the control of buildings and structures as therein provided. Each and all of the regulations, provisions, penalties, conditions and terms of the International Property Maintenance Code are hereby referred to, adopted, incorporated and made a part hereof as if fully set out in this Code with the additions, insertions, deletions and changes, if any, prescribed in this Chapter. A copy of this Code is kept on file in the office of the City Clerk. (Ord. 192; 06/09/03)

SECTION 5-902 ADDITIONS, INSERTION AND CHANGES TO PROPERTY MAINTENANCE CODE

The following Sections of The International Code Council, Inc., International Property Maintenance Code are hereby revised as follows:

1. Section 101.1, insert "City of Shidler";

2. Section 303.14, delete "from and to dates";

3. Section 602.3, delete "from and to dates";

4. Section 602.4, delete "from and to dates". (Ord. 192; 06/09/03)

PART 6
COURT

CHAPTER 1
COURT

Section 6-101	Organization of Municipal Court
Section 6-102	Definitions
Section 6-103	Jurisdiction of Court
Section 6-104	Judges; Qualifications
Section 6-105	Term of Judge
Section 6-106	Alternating Judge
Section 6-107	Acting Judge
Section 6-108	Appointment of Judge and Alternate Judge
Section 6-109	Salary and Payments to Judges
Section 6-110	Removal of Judge
Section 6-111	Vacancy in Office of Judge
Section 6-112	Disqualification of Judge
Section 6-113	Court Marshal, Chief of Police
Section 6-114	Clerk of the Court; Duties
Section 6-115	Prosecuting Attorney; Duties; Conflict of Interest
Section 6-116	Bond of Clerk
Section 6-117	Rules of Court
Section 6-118	Enforcement of Rules
Section 6-119	Written Complaints to Prosecute Ordinance Violations
Section 6-120	Traffic Ordinance Violations; Procedures for Issuing Citations; Custody, Arrest
Section 6-121	Traffic Bail and Procedures
Section 6-122	Summons for Arrest
Section 6-123	Form of Arrest Warrant
Section 6-124	Procedures for Bail or Bond
Section 6-125	Arraignment and Pleadings by Defendant
Section 6-126	Trial by Jury and Waiver
Section 6-127	Jurors and Jury Trial Procedures
Section 6-128	Trials and Judgments, Enforcing Fines by Working of Prisoners
Section 6-129	Witness Fees
Section 6-130	Sentencing
Section 6-131	Imprisonment, Work by Prisoners
Section 6-132	Fines and Costs
Section 6-133	Penalty Assessment

CHAPTER 2
(RESERVED)

CHAPTER 1
COURT

Section 6-101	**Organization of Municipal Court**
Section 6-102	**Definitions**
Section 6-103	**Jurisdiction of Court**
Section 6-104	**Judges; Qualifications**
Section 6-105	**Term of Judge**
Section 6-106	**Alternating Judge**
Section 6-107	**Acting Judge**
Section 6-108	**Appointment of Judge and Alternate Judge**
Section 6-109	**Salary and Payments to Judges**
Section 6-110	**Removal of Judge**
Section 6-111	**Vacancy in Office of Judge**
Section 6-112	**Disqualification of Judge**
Section 6-113	**Court Marshal, Chief of Police**
Section 6-114	**Clerk of the Court; Duties**
Section 6-115	**Prosecuting Attorney; Duties; Conflict of Interest**
Section 6-116	**Bond of Clerk**
Section 6-117	**Rules of Court**
Section 6-118	**Enforcement of Rules**
Section 6-119	**Written Complaints to prosecute Ordinance Violations**
Section 6-120	**Traffic Ordinance Violations; Procedures for Issuing Citations; Custody, Arrest**
Section 6-121	**Traffic Bail and Procedures**
Section 6-122	**Summons for Arrest**
Section 6-123	**Form of Arrest Warrant**
Section 6-124	**Procedures for Bail or Bond**
Section 6-125	**Arraignment and Pleadings by Defendant**
Section 6-126	**Trial by Jury and Waiver**
Section 6-127	**Jurors and Jury Trial Procedures**
Section 6-128	**Trials and Judgments, Enforcing Fines by Working of Prisoners**
Section 6-129	**Witness Fees**
Section 6-130	**Sentencing**
Section 6-131	**Imprisonment, Work by Prisoners**
Section 6-132	**Fines and Costs**
Section 6-133	**Penalty Assessment**

SECTION 6-101 ORGANIZATION OF MUNICIPAL COURT

This Chapter shall govern the organization and operation of the municipal criminal Court of the City of Shidler, as put into operation by resolution, duly passed and filed in accordance with law, as authorized by Sections 27-101 and 27-102 of Title 11 of the Oklahoma Statutes. To the extent of conflict between any provisions of this Chapter and the provisions of any Ordinance of this City, the provisions of this Chapter shall control.

State Law Reference: Municipal Courts not of record, organization, rules and procedures, 11 O.S. Sections 27-101 to 27-131.

SECTION 6-102 DEFINITIONS

As used in this Chapter, unless the context requires a different meaning, the following words shall have the meanings ascribed to them in this Section:

1. "Court" means the municipal Court of the City of Shidler;

2. "Judge" means the Judge of the municipal Court, including any acting Judge or alternate Judge thereof as provided for by the statutes of this State and this Chapter;

3. "Municipality" or "this municipality" means the City of Shidler, Oklahoma;

4. "Clerk" means the Clerk of this municipality, including any deputy or member of the office staff of the Clerk while performing duties of the Court Clerk's office;

5. "Governing body" means the City council of the City of Shidler;

6. "Chief of police" means the Peace Officer in charge of the police force of the municipality; and

7. "This judicial district" means the district Court judicial district of the State of Oklahoma wherein the government of this municipality is situated.

SECTION 6-103 JURISDICTION OF COURT

The Court shall exercise original jurisdiction to hear and determine all prosecutions wherein a violation of any Ordinance of this municipality is charged, including any such prosecutions transferred to the Court in accordance with applicable law.

SECTION 6-104 JUDGE; QUALIFICATIONS

There shall be one (1) Judge of the Court. A Judge must be duly licensed to practice law in the State of Oklahoma. He may engage or practice law in other Courts, but he shall not accept employment inconsistent with his duties as Judge, or arising out of facts, which give rise to or are connected with cases within the jurisdiction of the Court, pending therein or which might become subject to proceedings therein. He may serve as Judge of other municipal Courts, if such service may be accomplished consistently with his duties as Judge of this Court. If all licensed attorneys residing within Osage County certified to the Clerks that they are not willing to accept appointment as Judge, a resident of this municipality, of the age of twenty-five (25) years, possessed of good moral character, may be appointed Judge.

SECTION 6-105 TERM OF JUDGE

The official term of the Judge shall be two (2) years expiring on a date fixed by the City council in each odd-numbered year. Each Judge, unless sooner removed for proper cause, shall serve until his successor is appointed and qualified.

SECTION 6-106 ALTERNATE JUDGE

There shall be appointed for each Judge of the Court an alternate Judge possessed of the same qualifications required of the Judge in this Chapter. His appointment shall be for the same term and made in the same manner as the Judge. He shall sit as acting Judge of the Court in any case if the Judge is:

1. Absent from the Court;

2. Unable to act as Judge; or

3. Disqualified from acting as Judge in the case.

SECTION 6-107 ACTING JUDGE

If at any time there is no Judge or alternate Judge, duly appointed and qualified, available to sit as Judge, the mayor shall appoint some person, possessing the qualifications required by this Chapter for the Judge, who shall preside as acting Judge over the Court in the disposition of pending matters until such time as a Judge or alternate Judge shall be available.

SECTION 6-108 APPOINTMENT OF JUDGE AND ALTERNATE JUDGE

Judges and alternate Judges shall be appointed by the mayor with the consent of the governing body. A proposed appointment shall be submitted in writing to the governing body at the next to the last regularly scheduled meeting prior to the day upon which the appointment is to take effect and shall be acted upon at the next regularly scheduled meeting. The governing body may decide upon the proposed appointment by a majority vote of a quorum present and acting. Failure of decision upon a proposed appointment shall not prevent action thereon at a later regularly scheduled meeting of the governing body unless the mayor, in writing, withdraws the proposed appointment.

SECTION 6-109 SALARY AND PAYMENTS TO JUDGES

A. A Judge, other than an alternate Judge or an acting Judge, shall receive a salary as set by the governing body by motion or resolution paid in the same manner as the salaries of other officials of this municipality.

B. An alternate Judge or an acting Judge shall be paid an amount as set by motion or resolution of the governing body, however payments to an acting or alternate Judge shall not exceed the salary set for a Judge in whose stead he sits.

SECTION 6-110 REMOVAL OF JUDGE

Judges shall be subject to removal from office by the governing body for the causes prescribed by the constitution and laws of this State for the removal of public Officers. Proceedings for removal shall be instituted by the filing of a verified written petition setting forth facts sufficient to constitute one (1) or more legal grounds for removal. Petitions may be signed and filed by:

1. The mayor; or

2. Twenty-five percent (25%) or more qualified electors of this municipality. Verification of the number or qualifications of electors shall be executed by one (1) or more of the petitioners.

The governing body shall set a date for hearing the matter and shall cause notice thereof, together with a copy of the petition, to be served personally upon the Judge at least ten (10) days before the hearing. At the hearing, the Judge shall be entitled to:

1. Representation by counsel;

2. To present testimony and to cross-examine the witnesses against him; and

3. Have all evidence against him presented in open hearing.

So far as they can be applicable, the provisions of the Oklahoma Administrative Procedures Act governing individual proceedings (Sections 309 to 317 of Title 75 of the Oklahoma Statutes as amended) shall govern removal proceedings hereunder. Judgment of removal shall be entered only upon individual votes, by a majority of all members of the governing body, in favor of such removal.

SECTION 6-111 VACANCY IN OFFICE OF JUDGE

A vacancy in the office of Judge shall occur if the incumbent:

1. Dies;

2. Resigns;

3. Ceases to possess the qualifications for the office; or

4. Is removed, and the removal proceedings have been affirmed finally in judicial proceedings or are no longer subject to judicial review.

Upon the occurrence of a vacancy in the office of Judge, the mayor shall appoint a successor to complete the unexpired term in the same manner as an original appointment is made.

SECTION 6-112 DISQUALIFICATION OF JUDGE

In prosecutions before the Court no change of venue shall be allowed; but the Judge before whom the case is pending may certify his disqualification or he may be disqualified from sitting under the terms, conditions and procedure provided by law for Courts of record. If a Judge is disqualified, the matter shall be heard by an alternate or acting Judge appointed as provided in this Chapter.

SECTION 6-113 COURT MARSHAL, CHIEF OF POLICE

All writs or process of the Court shall be directed, in his official title, to the chief of police of this municipality, who shall be the principal Officer of the Court.

SECTION 6-114 CLERK OF THE COURT; DUTIES

The Clerk, or a deputy designated by him, shall be the Clerk of the Court. He shall assist the Judge in recording the proceedings of the Court and in preparing writs, processes and other papers. He shall administer oaths required in proceedings before the Court. He shall enter all pleadings, processes, and proceedings in the dockets of the Court. He shall perform such other clerical duties relating to the proceedings of the Court as the Judge shall direct. He shall receive and receipt for forfeitures, fines, deposits, and sums of money payable to the Court. He shall pay to the treasurer of this municipality all money so received by him, except such special deposits or fees as shall be received to be disbursed by him for special purposes. All money paid to the treasurer shall be placed in the general fund of the municipality, or in such other funds as the governing body may direct, and it shall be used in the operation of the municipal government in accordance with budgetary arrangements governing the fund in which it is placed.

SECTION 6-115 PROSECUTING ATTORNEY; DUTIES; CONFLICT OF INTEREST

The attorney for this municipality, or his duly designated assistant, may be the prosecuting Officer of the Court. He shall also prosecute all alleged violations of the Ordinances of the City. He may be authorized, in his discretion, to prosecute and resist appeal, proceedings in error and review from this Court to any other Court of the State, and to represent this municipality in all proceedings arising out of matters in this Court.

SECTION 6-116 BOND OF CLERK

The Court Clerk of the Court shall give bond in the form provided by Section 27-111 of Title 11 of the Oklahoma Statutes. When executed, the bond shall be submitted to the governing body for approval. When approved, it shall be filed with the Clerk of this municipality and retained in the municipal archives.

SECTION 6-117 RULES OF COURT

The Judge may prescribe rules, consistent with the laws of the State and with the Ordinances of this municipality for the proper conduct of the business of the Court.

SECTION 6-118 ENFORCEMENT OF RULES

Obedience to the orders, rules and judgments made by the Judge or by the Court may be enforced by the Judge, who may fine or imprison for contempt committed as to him while holding Court, or committed against process issued by him, in the same manner and to the same extent as the district Courts of this State.

SECTION 6-119 WRITTEN COMPLAINTS TO PROSECUTE ORDINANCE VIOLATIONS

All prosecutions for violations of Ordinances of this municipality shall be styled "The City of Shidler vs. (naming defendant or defendants)". Except as provided hereinafter, prosecution shall be initiated by the filing of a written complaint, subscribed and verified by the person making complaint, and setting forth concisely the offense charged.

SECTION 6-120 TRAFFIC ORDINANCE VIOLATIONS; PROCEDURES FOR ISSUING CITATION; CUSTODY, ARREST

A. If a Police Officer observes facts, which he believes, constitute a violation of the traffic Ordinances of this municipality, in lieu of arresting such a person, he may release the person on personal recognizance in accordance with Section 6-121 of this Code, or take his name, address, operator's license number, and registered license number of the motor vehicle involved and any other pertinent and necessary information and may issue him in writing in form prescribed by the mayor or his duly designated delegate, a traffic citation embracing the above information, and also stating the traffic violation alleged to have occurred, and notifying him to answer to the charge against him at a time, not later than the date specified in the citation. The Officer, upon receiving the written promise of the alleged violator, endorsed on the citation to answer as specified, may then release the person from custody. If the person to whom a citation is issued fails to answer as prescribed in the citation, complaint shall be filed and the case shall be prosecuted as otherwise provided in this Chapter.

B. If the alleged traffic violation is committed by a nonresident or resident of this municipality, the Police Officer may:

1. Release the person after obtaining sufficient information as set out in Subsection A of this Section pending his appearance on a day certain in Court, as specified in the citation;

2. Take the person in custody and demand that bond for the offense charged be posted according to the provisions of this Chapter; or

3. Take the person into custody under arrest. The arrested person either shall be taken immediately before the Judge for further proceedings according to law or shall have bail fixed for his release in accordance with the provisions of this Chapter. Upon providing bail as fixed, and upon giving his written promise to appear upon a day certain, as provided in Subsection A of this Section, the person shall be released from custody.

C. If the alleged offense be a violation of an Ordinance restricting or regulating the parking of vehicles, including any regulations issued under such an Ordinance, and the operator be not present, the Police Officer shall place on the vehicle, at a place reasonably likely to come to the notice of the operator, a citation conforming substantially to that prescribed in Subsections A or B of this Section, with such variation as the circumstances require, the operator of this vehicle shall be under the same obligation to respond to the citation as if it had been issued to him personally under Subsections A or B of this Section.

SECTION 6-121 TRAFFIC BAIL BOND PROCEDURES

A. In addition to other provisions of law for posting bail, any person, whether a resident of this State or a nonresident, who is arrested by a law enforcement Officer solely for a misdemeanor violation of a State traffic law or municipal traffic Ordinance shall be released by the arresting Officer upon personal recognizance if:

1. The arrested person has been issued a valid license to operate a motor vehicle by

this State, another State jurisdiction within the United States, or any party jurisdiction of the Nonresident Violator Compact;

2. The arresting Officer is satisfied as to the identity of the arrested person;

3. The arrested person signs a written promise to appear as provided for on the citation; and

4. The violation does not constitute:

a. A felony;

b. Negligent homicide;

c. Driving or being in actual physical control of a motor vehicle while impaired or under the influence of alcohol or other intoxicating substances;

d. Eluding or attempting to elude a law enforcement Officer;

e. Operating a motor vehicle without having been issued a valid driver's license, or while the license is under suspension, revocation, denial or cancellation;

f. An arrest based upon an outstanding warrant;

g. A traffic violation coupled with any offense Stated in subparagraphs a through f of this paragraph;

h. An overweight violation, or the violation of a special permit exceeding the authorized permit weight; or

i. A violation relating to the transportation of hazardous materials.

B. If the arrested person is eligible for release on personal recognizance as provided for in Subsection A of this Section, then the arresting Officer shall:

1. Designate the traffic charge;

2. Record information from the arrested person's driver's license on the citation form, including the name, address, date of birth, personal description, type of driver's license, driver's license number, issuing State, and expiration date;

3. Record the motor vehicle make, model and tag information;

4. Record the arraignment date and time on the citation; and

5. Permit the arrested person to sign a written promise to appear as provided for in the citation.

C. The arresting Officer shall then release the person upon personal recognizance based upon

the signed promise to appear. The citation shall contain a written notice to the arrested person that release upon personal recognizance based upon a signed written promise to appear for arraignment is conditional and that failure to timely appear for arraignment shall result in the suspension of the arrested person's driver's license in this State, or in the nonresident's home State pursuant to the Nonresident Violator Compact.

D. Procedures for arraignment, continuances and scheduling, timely appearances, pleas of guilty or nolo contendere, posting bail, payment of fines and costs, issuance of arrest warrants, and requests for suspension of driver's license, shall be required in State law, Sections 1115.1 through 1115.5 of Title 22 of the Oklahoma Statutes.

E. A defendant released upon personal recognizance may elect to enter a plea of guilty or nolo contendere to the violation charged at any time before he is required to appear for arraignment by indicating such plea on the copy of the citation furnished to him or on a legible copy thereof, together with the date of the plea and his signature. The defendant shall be responsible for assuring full payment of the fine and costs to the Court Clerk. The defendant shall not use currency for payment by mail. If the defendant has entered a plea of guilty or nolo contendere as provided for in this subsection, such plea shall be accepted by the Court and the amount of the fine and costs shall be as prescribed by Ordinance for the violation charged or as prescribed by the Court.

F. If, pursuant to the provisions of Subsection D of this Section, the defendant does not timely elect to enter a plea of guilty or nolo contendere and fails to timely appear for arraignment, the Court may issue a warrant for the arrest of the defendant and the municipal or district Court Clerk, within one hundred twenty (120) calendar days from the date the citation was issued by the arresting Officer, shall notify the State Department of Public Safety that:

1. The defendant was issued a traffic citation and released upon personal recognizance after signing a written promise to appear for arraignment as provided for in the citation;

2. The defendant has failed to appear for arraignment without good cause shown;

3. The defendant has not posted bail, paid a fine, or made any other arrangement with the Court to satisfy the citation; and

4. The citation has not been satisfied as provided by law.

G. The Court Clerk shall request the State Department of Public Safety to either suspend the defendant's driver's license to operate a motor vehicle in this State or notify the defendant's home State and request suspension of the defendant's driver's license in accordance with the provisions of the Nonresident Violator Compact. Such notice and request shall be on a form approved or furnished by the State Department of Public Safety. The Court Clerk shall not process the notification and request provided for in this subsection if, with respect to such charges:

1. The defendant was arraigned, posted bail, paid a fine, was jailed, or otherwise settled the case;

2. The defendant was not released upon personal recognizance upon a signed written

promise to appear as provided for in this Section or if released, W3S not permitted to remain on such personal recognizance for arraignment;

3. The violation relates to parking or standing, an overweight violation, an overweight permit, or the transportation of hazardous materials; or

4. A period of one hundred twenty (120) calendar days or more has elapsed from the date the citation was issued by the arresting Officer.

H. The Court Clerk shall maintain a record of each request for driver's license suspension submitted to the State Department of Public Safety pursuant to the provisions of this Section. When the Court or Court Clerk receives appropriate bail or payment of the fine and costs, settles the citation, makes other arrangements with the defendant, or otherwise closes the case, the Court Clerk shall furnish proof thereof to such defendant, if the defendant personally appears, or shall mail such proof by first class mail, postage prepaid, to the defendant at the address noted on the citation or at such other address as is furnished by the defendant. Additionally, the Court or Court Clerk shall notify the home jurisdiction of the defendant as listed on the citation, if such jurisdiction is a member of the Nonresident Violator Compact, and shall in all other cases, notify the State Department of Public Safety of the resolution of the case. The form of proof and the procedures for notification shall be approved by the State Department of Public Safety. Provided however, the Court or Court Clerk's failure to furnish such proof or notice in the manner provided for in this Subsection shall in no event create any civil liability upon the Court, the Court Clerk, the State or any political subdivision thereof, or any State department or agency or any employee thereof but duplicate proof shall be furnished to the person entitled thereto upon request.

SECTION 6-122 SUMMONS FOR ARREST

A. Upon the filing of a complaint charging violation of any Ordinance, the Judge, unless he determines to issue a warrant of arrest, or unless the defendant previously has been issued a citation or has been arrested and has given bond for appearance, he shall issue a summons, naming the person charged, specifying his address or place of residence, if known, stating the offense with which he is charged and giving him notice to answer the charge in the Court on a certain day as specified after the summons is served upon him, and including such other pertinent information as may be necessary.

B. The summons shall be served by delivering a copy to the defendant personally. If he fails to appear and to answer the summons within the prescribed period, a warrant shall be issued for his arrest, as provided by this Chapter.

SECTION 6-123 FORM OF ARREST WARRANT

A. Except as otherwise provided in the Ordinances of this municipality, upon the filing of a complaint approved by the endorsement of the attorney of this municipality or by the Judge, there shall be issued a warrant of arrest, in substantially the following form:

> The City of Shidler to the Marshal of the Municipal Court of Shidler, Oklahoma. Complaint upon oath having this day been made by (naming complainant) that the offense (naming the offense in particular but general terms) has been committed and accusing (name of defendant)

thereof, you are commanded therefor forthwith to arrest the above-named defendant and bring the above named (name of defendant) before me, at the municipal Courtroom, Witness my hand this ____day of __, 20__.

_____
Judge of the Municipal Court
Shidler, Oklahoma.

B. It is the duty of the marshal, personally, or through a duly constituted member of the police force of this municipality, or through any other person lawfully authorized so to act, to execute a warrant as promptly as possible.

SECTION 6-124 PROCEDURES FOR BAIL OR BOND

A. Upon arrest, or upon appearance without arrest in response to citation or summons, or at any time before trial, before or after arraignment, the defendant shall be eligible to be released upon giving bail for his appearance in an amount and upon conditions fixed by this Chapter or the Judge, who shall prescribe appropriate rules of Court for the receipt of bail. In case of arrests made at night or under other conditions or emergency or when the Judge is not available, the rules shall authorize the chief of police, or his designated representative, to accept a temporary cash bond of not less than Ten Dollars ($10.00) nor more than the maximum monetary penalty provided by Ordinance for the offense charged.

B. A bail bond schedule may be adopted by the City council and amended from time to time by motion or resolution.

SECTION 6-125 ARRAIGNMENT AND PLEADINGS BY DEFENDANT

Upon making his appearance before the Court, the defendant shall be arraigned. The Judge, or the attorney of the municipality, shall read the complaint to the defendant, inform him of his legal rights, including the right of trial by jury, if available, and of the consequences of conviction, and ask him whether he pleads guilty or not guilty. If the defendant pleads guilty, the Court may proceed to judgment and sentence or may continue the matter for subsequent disposition. If the plea is not guilty, and the case is not for jury trial, the Court may proceed to try the case, or may set it for hearing at a later date.

SECTION 6-126 TRIAL BY JURY AND WAIVER

A. In all prosecutions for violations of Ordinances punishable by fine of more than One Hundred Dollars ($100.00) or by imprisonment, or by both fine and imprisonment, trial shall be by jury, unless waived by the defendant. If trial by jury is waived, trial shall be to the Court.

B. At arraignment, the defendant shall be asked whether he demands or waives trial by jury. His election shall be recorded in the minutes of the arraignment and entered on the docket of the Court respecting proceedings in the case.

C. An election waiving jury trial, made at arraignment, may be changed by the defendant at any time prior to the day for which trial by the Court is set; an election demanding jury

trial may be changed at any time prior to the commencement of proceedings to impanel the jury for the trial, but if that change occurs after the case has been set for jury trial, it may not thereafter be changed so as again to demand trial by jury.

State Law Reference: Jury trial required for fines for over $100.00, 11 O.S. Sections 27-119.

SECTION 6-127 JURORS AND JURY TRIAL PROCEDURES

A. Whenever a calendar has been made up for the trial of cases by jury, the Judge shall request, in writing, the presiding Judge of the district Court for this judicial district to cause the names of a stated number of jurors, deemed sufficient to dispose of the cases on the calendar, to be drawn from the jury wheel in accordance with the governing statutes of the State, and to be certified by the Clerk of the district Court to the Judge of the municipal Court. The request shall be made in time for the list to be certified and the jurors to be summoned legally before the trial of the calendar begins. If it is anticipated that the completion of the calendar will require more than two (2) weeks, the request for jurors shall specify the number required for each two (2) week period, as provided by law for the drawing of jurors for the district Court. Additional drawing of other names also may be requested by the Judge, when necessary, in accordance with the law for such additional drawings in the district Court. If, in the future, provisions of the law respecting the drawing of jury lists for the district Court are changed, the Judge shall take such steps, in requesting jury lists for the Court, as are necessary to comply with the State law.

B. Upon receipt of the jury list, the Clerk of the Court shall cause a summons substantially in the following form to be issued and served upon each person on the list:

STATE OF OKLAHOMA)
) ss.
COUNTY OF OSAGE.)

TO _____, GREETING: you hereby are summoned to appear in the Municipal Court for the City of Shidler, Oklahoma, to be held at _____ on the ____ day of 20____, at the hour of _____ o'clock __.M., to serve as a juror in said Court, and to continue in such service until discharged by the Court.

Hereof fail not, under penalty of law.

Issued under the authority of said Court, this _ day of , 20 .

_____
Clerk of the Municipal Court of the
City of Shidler, Oklahoma

C. Service shall be made, as the Judge may prescribe by rule or direct by order, either in person upon the juror by the marshal of the Court or by any member of the police force of this municipality, or by the Clerk of the Court, through certified mail, directed to the juror at his address as given in the jury list with request for a personally signed return receipt. In any proceeding wherein, service of summons by mail is in issue, evidence of the due mailing of the summons by the Clerk or a member of his staff and the

presentation of an official postal return receipt purportedly signed by the addressee shall be prima facie evidence that the summons was duly received by the addressee and therefore, that he was properly served therewith.

D. A jury in the Court shall consist of six jurors, good and lawful men or women, citizens of the County of Osage, possessing the qualifications of jurors in district Court.

E. After the jurors are sworn, they must sit together and hear the proofs and oral arguments of the parties, which must be delivered in public and in the presence of the defendant.

F. A verdict of the jury may be rendered by the vote of five (5) jurors.

G. In all actions tried before a jury, the Judge shall determine all questions of law, including questions as to the introduction of evidence, arising during the trial. He also shall instruct the jury as to the law.

H. The verdict of the jury, in all cases, must be general. When the jury has arrived at its verdict, it must deliver the verdict publicly to the Court. The Judge must enter the verdict in the docket or cause it to be so entered.

I. The jury must not be discharged after the case is submitted to it until a verdict is rendered, unless the Judge, for good cause, discharges it sooner, in which event the Court may proceed again to trial, and so on, until a verdict is rendered.

SECTION 6-128 TRIALS AND JUDGMENTS, ENFORCING FINES BY WORKING OF PRISONERS

A. Before trial commences, either party, upon good cause shown, may obtain a reasonable postponement thereof.

B. The defendant must be present in person at the trial.

C. In all trials, as to matters not covered in this Chapter, or by the statutes relating to municipal criminal Courts, or by rules duly promulgated by the Supreme Court of Oklahoma, the procedure applicable in trials of misdemeanors in the district Courts shall apply to the extent that they can be made effective.

D. If the defendant pleads guilty or is convicted after the trial, the Court must render judgment thereon, fixing the penalty within the limits prescribed by the applicable Ordinance and imposing sentence accordingly.

E. At the close of trial, judgment must be rendered immediately by the Judge who shall cause it to be entered in his docket.

F. If judgment is of acquittal, and the defendant is not to be detained for any other legal cause, he must be discharged at once.

G. A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine is satisfied at the rate of one (1) day imprisonment for each Five Dollars ($5.00) of fine or as set out in Subsection H hereof for defendants who are without means to make

such payment.

H. If a defendant who is financially able refuses or neglects to pay a fine or costs or both, payment may be enforced:

1. By imprisonment until the same shall be satisfied at the rate of Five Dollars ($5.00) per day; or

2. All prisoners confined to jail for having failed to pay a fine as in paragraph 1 above, may be compelled, if their health permits, to work on the public streets, avenues, alleys, parks, buildings or other public premises or property, and for each day of such work, the prisoner shall be credited Five Dollars ($5.00) toward any fine or costs until same are satisfied; and further, any persons found guilty of a violation of a municipal Ordinance who are financially unable to pay their fine and costs, and whose health permit, may volunteer with the Court to satisfy their fine and costs by working on the streets, alleys, avenues, areas, and public grounds of the municipality, with credit therefor to be at the rate of Five Dollars ($5.00) per day toward the fine and costs;

3. The Chief of Police, subject to the direction of the mayor, shall direct where the work shall be performed. The head of the department in charge of the place under which the work is to be performed, himself or by some person designated by him, shall oversee the work. If a guard is necessary, the chief of police shall make provisions therefor.

SECTION 6-129 WITNESS FEES

Witnesses in any proceeding in the Court other than the Police Officers or Peace Officers shall be entitled to a sum per each day of attendance, plus mileage for each mile actually and necessarily traveled in going to and returning from the place of attendance if their residence is outside the limits of the municipality. However, no witness shall receive fees or mileage in more than one (1) case for the same period of time or the same travel. A defendant seeking to subpoena witnesses must deposit with the Clerk a sum sufficient to cover fees and mileage for one (1) day of attendance for each witness to be summoned, but such deposit shall not be required from an indigent defendant who files an affidavit setting out:

1. The names of no more than three (3) witnesses;

2. That the defendant, by reason of his poverty, is unable to provide the fees and mileage allowed by law;

3. That the testimony of the witnesses is material; and

4. That their attendance at the trial is necessary for his proper defense.

The fees of such witnesses shall be paid by the municipality.

SECTION 6-130 SENTENCING

A. The Judge may suspend, modify, defer or reduce a sentence in accordance with Sections

27-123 and 27-124 of Title 11 of the Oklahoma Statutes.

B. A Judge who is licensed to practice law in this State in imposing a judgment and sentence, at his discretion, is empowered to modify, reduce, or suspend or defer the imposition of such sentence of any part thereof and to authorize probation for a period not to exceed six (6) months from the date of sentence, under such terms or conditions as the Judge may specify. Procedures relating to suspension of the judgment or costs or both shall be as provided in Section 27-123 of Title 11 of the Oklahoma Statutes. Upon completion of the probation term, the defendant shall be discharged without a Court judgment of guilt, and the verdict, judgment of guilty or pleas of guilty shall be expunged from the record and the charge dismissed with prejudice to any further action. Upon a finding of the Court that the conditions of probation have been violated, the Municipal Judge may enter a judgment of guilty. The Judge may continue or delay imposing a judgment and sentence for a period of time not to exceed six (6) months from the date of sentence. At the expiration of such period of time the Judge may allow the Municipal Attorney to amend the charge to a lesser offense. If a deferred sentence is imposed, an administrating fee of not to exceed One Hundred Dollars ($100.00) may be imposed as costs in the case.

SECTION 6-131 IMPRISONMENT, WORK BY PRISONERS

A. All sentences of imprisonment shall be executed by the Chief of Police of the municipality, and any person convicted of a violation of any Ordinance of the municipality and sentenced to imprisonment shall be confined in the jail, farm or workhouse, of the municipality, in the discretion of the Court, for the time specified in the sentence.

B. If, after conviction, judgment of imprisonment is entered, a copy thereof, certified by the Clerk, shall be delivered to the Chief of Police, the Sheriff of the county or other appropriate Police Officer. Such copy shall be sufficient warrant for the execution of the sentence.

C. All prisoners confined to jail on conviction or on plea of guilty may be compelled, if their health permits, to work on the public streets, avenues, alleys, parks, buildings, or other public premises or property. For each day of such work, the prisoner shall be credited for serving one (1) day of imprisonment under his sentence.

D. The Chief of Police, subject to the direction of the governing body, shall direct where the work shall be performed. The head of the department in charge of the place where the work is to be performed, himself, or by some person designated by him, shall oversee the work. If a guard is necessary, the Chief of Police shall make provision therefor.

SECTION 6-132 FINES AND COSTS

If judgment of conviction is entered, the Clerk of the Court shall tax the costs to the Defendant in an amount as determined by the Judge but not to exceed the sum of Thirty Dollars ($30.00) plus the fees and mileage of jurors and witnesses, all of which the Defendant shall pay, in addition to any fine that is imposed. (Ord. No. 2009-09-01, 09/14/2009)

State Law: Title 11, Section 27-126, Oklahoma Statutes.

SECTION 6-133 PENALTY ASSESSMENT

A. Any person convicted of an offense punishable by a fine of Ten Dollars ($10.00) or more or by incarceration, excluding parking and standing violations, or any person forfeiting bond when charged with such an offense, shall be ordered by the Court to pay Four Dollars ($4.00) as a separate penalty assessment, which shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offense. The Court shall provide for separate bail for the penalty assessment. A defendant admitted to bail on an undertaking by a surety may include the amount of the penalty assessment in the undertaking.

B. Upon conviction or bond forfeiture, the Court shall collect the penalty assessment and deposit it in an account created for that purpose. As an administrative fee for handling funds collected as a penalty assessment, the Court is authorized to retain two percent (2%) of such monies and may also retain all interest accrued thereon prior to the due date for deposits as provided in this Section. The remainder of such monies shall be forwarded quarterly by the Court Clerk to the State Treasury. Deposits shall be due July 15 for the preceding quarter ending June 30, October 15 for the preceding quarter ending September 30, June 15 for the preceding quarter ending December 31, and April 15 for the preceding quarter ending March 31.

C. As used in this Section, "convicted" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred or suspended sentence or judgment.

CHAPTER 2
(RESERVED)

PART 7
FINANCE AND TAXATION

CHAPTER 1
FINANCE AND BUDGET ADMINISTRATION

Section 7-101	Depositories Designated; Funds to be Deposited
Section 7-102	Funds Secured by Unit Collateral System
Section 7-103	Contractual Services Defined for Purchasing
Section 7-104	Purchases, How Made
Section 7-105	When Prior Approval by City Council is Required
Section 7-106	Competitive Bidding
Section 7-107	When Competitive Bidding is Not Required
Section 7-108	Municipal Budget Act Adopted

CHAPTER 2
SALES TAX

Section 7-201	Citation and Codification
Section 7-202	Definitions
Section 7-203	Tax Collector Defined
Section 7-204	Classification of Taxpayers
Section 7-205	Subsisting State Permits
Section 7-206	Effective Date
Section 7-207	Purpose of Revenues
Section 7-208	Sales Tax; Sales Subject to Tax
Section 7-209	Exemptions; Sales Subject to Other Tax
Section 7-210	Exemptions; Governmental and Non-profit Entities
Section 7-211	Exemptions; General
Section 7-212	Exemptions; Agriculture
Section 7-213	Exemptions; Manufacturers
Section 7-214	Exemptions; Corporations and Partnerships
Section 7-215	Tax Due When; Returns; Records
Section 7-216	Payment of Tax; Brackets
Section 7-217	Tax Constitutes Debt
Section 7-218	Vendor's Duty to Collect Tax; Penalties
Section 7-219	Returns and Remittances; Discounts
Section 7-220	Interest and Penalties; Delinquency
Section 7-221	Waiver of Interest and Penalties
Section 7-222	Erroneous Payments; Claim for Refund
Section 7-223	Fraudulent Returns
Section 7-224	Records Confidential
Section 7-225	Amendments
Section 7-226	Provisions Cumulative

CHAPTER 3
TELEPHONE EXCHANGE FEE

Section 7-301	Fee Levied on Telephone Exchanges
Section 7-302	Fee to be in Lieu of Other Fees, Taxes

CHAPTER 4
UTILITIES TAX

Section 7-401	Fee on Utilities Levied

CHAPTER 5
USE TAX

Section 7-501	Excise Tax on Storage, Use or Other Consumption of Tangible, Personal Property Levied
Section 7-502	Exemptions
Section 7-503	Time When Due - Returns - Payment
Section 7-504	Tax Constitutes Debt
Section 7-505	Collection of Tax by Retailer or Vendor
Section 7-506	Collection of Tax by Retainer or Vendor not Maintaining a Place of Business Within State or Both Within and Without State - Permits
Section 7-507	Revoking Permits
Section 7-508	Remunerative Deductions Allowed Vendors or Retailers of Other States
Section 7-509	Interest and Penalties - Delinquency
Section 7-510	Waiver of Interest and Penalties
Section 7-511	Erroneous Payments - Claim for Refund
Section 7-512	Fraudulent Returns
Section 7-513	Records Confidential
Section 7-514	Provisions Cumulative
Section 7-515	Provisions Severable
Section 7-516	Definitions
Section 7-517	Tax Collector Defined
Section 7-518	Classification of Taxpayers
Section 7-519	Subsisting State Permits
Section 7-520	Purposes of Revenue

CHAPTER 6
TAX ON NON-FRANCHISE TAX HOLDERS

Section 7-601	Tax Levied
Section 7-602	Payment
Section 7-603	Failure to Pay
Section 7-604	Lien of Tax

CHAPTER 1
FINANCE AND BUDGET ADMINISTRATION

Section 7-101	**Depositories Designated; Funds to be Deposited**
Section 7-102	**Funds Secured by Unit Collateral System**
Section 7-103	**Contractual Services Defined for Purchasing**
Section 7-104	**Purchases, How Made**
Section 7-105	**When Prior Approval by City Council is Required**
Section 7-106	**Competitive Bidding**
Section 7-107	**When Competitive Bidding is Not Required**
Section 7-108	**Municipal Budget Act Adopted**

SECTION 7-101 DEPOSITORIES DESIGNATED; FUNDS TO BE DEPOSITED

All banks and all savings and loan associations in this City which are incorporated under Federal or State law are hereby designated as depositories for the funds of the City. The City Treasurer shall deposit daily all public funds received by him in such banks or savings and loan associations.

State Law Reference: Deposits by treasurers, designation of depositors; *Okla. Stat. Ann. tit 11, Section 12-110.*

SECTION 7-102 FUNDS SECURED BY UNIT COLLATERAL SYSTEM

The deposits of the City shall be secured by the Unit Collateral System provided by the Oklahoma Statutes.

State Law Reference: Unit Collateral System, *Okla. Stat. Ann. tit 62, Section 516.1 et seq.*

SECTION 7-103 CONTRACTUAL SERVICES DEFINED FOR PURCHASING

"Contractual services", for the purpose of this Chapter means services performed for the City by persons not in the employment of the City and may include the use of equipment or the furnishing of commodities in connection with the services under express or implied contract. Contractual services shall include travel; freight; express; parcel post; postage; telephone; telegraph; utilities; rents; printing out; binding; repairs, alterations and maintenance of buildings, equipment, streets and bridges, and other physical facilities of the City; and other services performed for the City by persons not in the employment of the City.

SECTION 7-104 PURCHASES, HOW MADE

All purchases of supplies, materials, equipment and contractual services for the offices, departments and agencies of the City government, shall be made by the City Council or by other City personnel in accordance with purchase authorizations issued by the City Council.

SECTION 7-105 WHEN PRIOR APPROVAL BY THE CITY COUNCIL IS REQUIRED

Every contract for, or purchase of, supplies, materials, equipment or contractual services for more than Two Thousand Dollars ($2,000.00) shall require the prior approval of the City Council.

State Law Reference: Purchase Order Act, *Okla. Stat. Ann. tit 62, Sections 310.1 et seq.*

SECTION 7-106 COMPETITIVE BIDDING

Before any purchase of, or contract for, supplies, materials, equipment or contractual services are made, as otherwise provided below, the City purchasing authority shall submit to at least three (3) persons, firms or corporations dealing in and able to supply the same, or to a smaller number if there are not three (3) dealing in and able to supply the same, a request for quotation, or invitation to bid, and specifications, to give them opportunity to bid; and publish notice of the proposed purchase in a newspaper of general circulation within the City. He shall favor a person, firm or corporation in the City when this can be done without additional cost to the City; but he shall submit requests for quotation to those outside the City when this may be necessary to secure bids or to create competitive conditions, or when he thinks that by so doing he can make a saving for the City; and shall purchase from them when he can make a saving for the City. All bids shall be sealed and shall be opened in public at a designated time and place. He may repeatedly reject all bids, and again may submit to the same or other persons, firms or corporations the request for quotation, or invitation to bid, and again publish notice of the proposed purchase. He may purchase from the bidder whose bid is most advantageous to the City, considering price, quality, date of delivery and so on, and in case of a tie, may purchase from one of those tying, or may divide the purchase among those tying, always accepting the bid or bids most advantageous to the City.

State Law Reference: Public competitive bidding law, bidding required on construction and public works projects of $12,500.00, *Okla. Stat. Ann. tit 61, Sections 101 et seq.*

SECTION 7-107 WHEN COMPETITIVE BIDDING IS NOT REQUIRED

The following may be purchased without giving an opportunity for competitive bidding:

1. Supplies, materials, equipment or contractual services whose cost does not exceed Twelve Thousand Five Hundred Dollars ($12,500.00) in a single transaction;

2. Supplies, materials, equipment or contractual services which can be furnished only by a single dealer, or which have a uniform price wherever bought;

3. Supplies, materials, equipment or contractual services purchased from another unit of government at a price deemed below that obtainable from private dealers, including government surplus;

4. Equipment to replace existing equipment which has become inoperable when the City Council declares the purchase an emergency;

5. Contractual services including but not limited to natural gas, electricity, telephone

service, purchased from a public utility at a price or rate determined by the State Corporation Commission or other governmental authority;

6. Supplies, materials, equipment or contractual services when purchased at a price not exceeding a price set therefore by the State purchasing agency or any other State agency hereafter authorized to regulate prices for things purchased by the State, whether such price is determined by a contract negotiated with a vendor or otherwise; and

7. Contractual services of a professional nature, such as engineering, architectural, legal and medical services unless competitive bidding is required by applicable law or regulations, such as certain Federal grants programs.

SECTION 7-108 MUNICIPAL BUDGET ACT ADOPTED

Pursuant to the provisions of the "Municipal Budget Act" found, and as amended, in *Okla. Stat. Ann. tit. 11 Section 17-201, et seq.,* the Council, by adoption, resolves and ordains to follow and comply with all of the provisions and requirements of the Municipal Budget Act to govern its budget procedures commencing with the fiscal year 1999-2000, whereby all financial officers of the City are to comply with the requirements of this Act.

CHAPTER 2
SALES TAX

Section 7-201	**Citation and Codification**
Section 7-202	**Definitions**
Section 7-203	**Tax Collector Defined**
Section 7-204	**Classification of Taxpayers**
Section 7-205	**Subsisting State Permits**
Section 7-206	**Effective Date**
Section 7-207	**Purpose of Revenues**
Section 7-208	**Sales Tax; Sales Subject to Tax**
Section 7-209	**Exemptions; Sales Subject to Other Tax**
Section 7-210	**Exemptions; Governmental and Non-Profit Entities**
Section 7-211	**Exemptions; General**
Section 7-212	**Exemptions; Agriculture**
Section 7-213	**Exemptions; Manufacturers**
Section 7-214	**Exemptions; Corporations and Partnerships**
Section 7-215	**Tax Due When; Returns; Records**
Section 7-216	**Payment of Tax; Brackets**
Section 7-217	**Tax Constitutes Debt**
Section 7-218	**Vendor's Duty to Collect Tax; Penalties**
Section 7-219	**Returns and Remittances; Discounts**
Section 7-220	**Interest and Penalties; Delinquency**
Section 7-221	**Waiver of Interest and Penalties**
Section 7-222	**Erroneous Payments; Claim for Refund**
Section 7-223	**Fraudulent Returns**
Section 7-224	**Records Confidential**
Section 7-225	**Amendments**
Section 7-226	**Provisions Cumulative**

SECTION 7-201 CITATION AND CODIFICATION

This Chapter shall be known and may be cited as "City of Shidler Sales Tax Ordinance".

State Law Reference: Authority to levy (sales) taxes for municipal purposes, 68 O.S. Section 2701; State Sales Tax Code 68 O.S. Section 1350 et seq.

SECTION 7-202 DEFINITIONS

A. The definitions of words, terms and phrases contained in the Oklahoma Sales Tax Code, Section 1352 of Title 68 of the Oklahoma Statutes, and in Sections 576 and 593 of Title 37 of the Oklahoma Statutes, are hereby adopted by reference and made a part of this Chapter.

B. A sale shall include the sale, preparation or service of ice or nonalcoholic beverages that are sold, prepared or served for the purpose of being mixed with alcoholic beverages for consumption on the premises where such sale, preparation or otherwise occurs.

SECTION 7-203 TAX COLLECTOR DEFINED

The term "tax collector" as used in this Chapter means the department of the City or the official agency of the State duly designated according to law or contract and authorized by law to administer the collection of the tax levied in this Chapter.

SECTION 7-204 CLASSIFICATION OF TAXPAYERS

For the purpose of this Chapter the classification of taxpayers hereunder shall be as prescribed by state law for purposes of the Oklahoma Sales Tax Code.

SECTION 7-205 SUBSISTING STATE PERMITS

All valid and subsisting permits to do business issued by the Oklahoma Tax Commission pursuant to the Oklahoma Sales Tax Code are, for the purpose of this Chapter, hereby ratified, confirmed, and adopted in lieu of any requirement for an additional City permit for the same purpose.

SECTION 7-206 EFFECTIVE DATE

This Chapter became effective as to each cent tax after approval of a majority of the registered voters of the City voting on the Ordinance in the manner prescribed by Section 16-112 of Title 11 of the Oklahoma Statutes.

SECTION 7-207 PURPOSE OF REVENUES

It is the purpose of the first one-cent sales tax to provide revenues for the support of the functions of the municipal government of the City.

Note: Ord. No. 64, effective July 1, 1975, levied the second-cent tax. This Chapter includes sales tax law amendments.

SECTION 7-208 TAX RATE; SALES SUBJECT TO TAX

There is hereby levied an excise tax of two percent (2%) upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code including but not exclusive of the following:

1. Tangible personal property.

2. Natural or artificial gas, electricity, ice, steam, or any other utility or public service except water and those specifically exempt by this Chapter.

3. Transportation for hire of persons by common carriers, including railroads, both steam and electric, motor transportation companies, taxicab companies, Pullman car companies, airlines and all other means of transportation for hire.

4. Service by telephone and telegraph companies to subscriber or users, including transmission of messages, whether local or long distance. This shall include all

services and rental charges having any connection with transmission of any messages.

5. Printing or printed matter of all types, kinds, and characters and the service or printing or over-printing, including the copying of information by mimeograph or multigraph or by otherwise duplicating written or printed matter in any manner, or the production of microfiche containing information on magnetic tapes furnished by customers.

6. Service of furnishing rooms by hotel, apartment hotel, public rooming house, motel, public lodging house, or tourist camps.

7. Service of furnishing storage or parking privileges by auto hotels and parking lots.

8. Selling, renting, or otherwise furnishing computer hardware or software or coding sheets, cards or magnetic tapes on which prewritten programs have been coded, punched, or otherwise recorded.

9. Food, confections and all drinks sold or dispensed by hotels, restaurants, or other dispensers, and sold for immediate consumption upon the premises or delivered or carried away from the premises for consumption elsewhere.

10. Advertising of all kinds, types, and character, including any and all devices used for advertising purposes and the servicing of any advertising devices, except those specifically exempt by this Chapter.

11. Dues or fees to clubs including free or complimentary dues or fees which shall have the value equivalent to the charge that would have otherwise been made, including any fees paid by the use of facilities or services rendered at a health spa or club or any similar facility or business.

12. Sales of tickets, fees or other charges made for admission to or voluntary contributions made to places of amusement, sports entertainment, exhibition, display or other recreational events or activities, including free or complementary admissions, which shall have the value equivalent to the charge that would have otherwise been made.

13. Charges made for the privilege of entering or engaging in any kind of activity, when no admission is charged spectators, such as tennis, racket ball or handball courts.

14. Charges made for the privilege of using items for amusement, sports, entertainment or recreational activity such as trampolines or golf carts.

15. The rental of equipment for amusement, sports, entertainment, or other recreational activities, such as bowling shoes, skates, golf carts, or other sports and athletic equipment.

16. The gross receipts from sales through any vending machine, without any deduction

for rental to locate the vending machine on the premises of a person who is not the owner or any other deductions therefrom.

17. Gross receipts or gross proceeds from the rental or lease of tangible personal property, including rental or lease of personal property when the rental or lease agreement requires the vendor to launder, clean, repair or otherwise service the rented or leased property on a regular basis, without any deduction for the cost of the service rendered. Provided if the rental or lease charge is based on the retail value of the property at the time of making the rental or lease agreement and the expected life of the property, and the rental or lease charge is separately stated from the service cost in the statement, bill or invoice delivered to the consumer, the cost of services rendered shall be deducted from the gross receipts or gross proceeds.

18. Any licensing agreement, rental, lease or other device or instrument whereby rights to possess or exhibit motion pictures or filmed performances or rights to receive images, pictures or performances for telecast by any method are transferred. Provided, persons regularly engaged in the business of exhibiting motion pictures for which the sale of tickets or admissions is taxed under this Chapter shall not be deemed to be consumers or users in respect to the licensing or exhibiting of copyrighted motion picture features, shorts, cartoons and scenes from copyrighted features and the sale or licensing of such films shall not be considered a sale within the purview of this Chapter.

19. Flowers, plants, shrubs, trees and other floral items, whether or not same was produced by the vendor, sold by persons engaged in florist or nursery business in this State, including all orders taken by an Oklahoma business for delivery in another state. Provided, all orders taken out this State for delivery within this State shall not be subject to the tax levied by this Chapter.

20. Tangible personal property sold to persons, peddlers, solicitors or other salesmen, for resale where there is likelihood that this State will lose tax revenue due to the difficulty of enforcing this Chapter because of:

    a. The operation of the business;

    b. The nature of the business;

    c. The turnover of independent contractors;

    d. The lack of place of business in which to display a permit or keep records;

    e. Lack of adequate records;

    f. The persons are minors or transients;

    g. The persons are engaged in service businesses; or

    h. Any other reasonable reason.

21. Any taxable services and tangible personal property including materials, supplies, and equipment sold to contractors for the purpose of developing and improving real estate even though such real estate is intended for resale as real property are hereby declared to be sales to consumers or users and taxable.

22. Any taxable services and tangible personal property sold to persons who are primarily engaged in selling their services, such as repairmen, are hereby declared to be sales to consumers or users and taxable.

23. Retail sales of medical marijuana, medical marijuana-derived products, and related paraphernalia.

SECTION 7-209 EXEMPTIONS; SALES SUBJECT TO OTHER TAX

There is hereby specifically exempted from the tax levied by this Chapter the gross receipts or gross proceeds exempted from the Oklahoma Sales Tax Code inclusive, but not exclusive of, and derived from the:

1. Sale of gasoline or motor fuel on which the motor fuel tax, gasoline excise tax or special fuels tax levied by State law has been paid;

2. Sale of motor vehicles or any optional equipment or accessories attached to motor vehicles on which the Oklahoma Motor Vehicle Excise Tax levied by state law has been paid;

3. Sale of crude petroleum, natural, or casinghead gas and other products subject to gross production tax under State law. This exemption shall not apply when such products are sold to consumer or user for consumption or use, except when used for injection into the earth for the purpose of promoting or facilitating the production of oil or gas. This paragraph shall not operate to increase or repeal the gross production tax levied by the laws of this State; and

4. Sale of aircraft on which the tax levied pursuant to Sections 6001 through 6004 of Title 68 of the Oklahoma Statutes has been paid. The provisions of this Paragraph 4 shall not become operative until July 1, 1984.

SECTION 7-210 EXEMPTIONS; GOVERNMENTAL AND NON-PROFIT ENTITIES

There are hereby specifically exempted from the tax levied by this Chapter;

1. Sale of tangible personal property or services to the United States Government or to the State of Oklahoma, any political subdivision of this State or any agency of a political subdivision of the State; provided, all sales to contractors in connection with the performance of any contract with the United States Government, State of Oklahoma or any of its political subdivisions shall not be exempted from the tax levied by this Chapter, except as hereinafter provided;

2. Sales made directly by county, district, or state fair authorities of this state, upon the premises of the fair authority, for the sole benefit of the fair authority;

3. Sale of food in cafeterias or lunchrooms of elementary schools, high schools, colleges, or universities, which are operated primarily for teachers and pupils and are not operated primarily for the public or for profit;

4. Dues paid to fraternal, religious, civic, charitable or educational societies or organizations by regular members thereof, provided such societies or organizations operate under what is commonly termed the lodge plan or system, and provided such societies or organizations do not operate for a profit which insures to the benefit of any individual member or members thereof to the exclusion of other members;

5. Sale of tangible personal property or services to or by churches, except sales made in the course of business for profit or savings, competing with other persons engaged in the same or similar business;

6. The amount of proceeds received from the sale of admission tickets which is separately stated on the ticket of admission for the repayment of money borrowed by any accredited state-supported college or university for the purpose of constructing or enlarging any facility to be used for the staging of an athletic event, a theatrical production, or any other form of entertainment, edification or cultural cultivation to which entry is gained with a paid admission ticket. Such facilities include, but are not limited to, athletic fields, athletic stadiums, field houses, amphitheaters, and theaters. To be eligible for this sales tax exemption, the amount separately stated on the admission ticket shall be a surcharge which is imposed, collected and used for the sole purpose of servicing or aiding in the servicing of debt incurred by the college or university to affect the capital improvements hereinbefore described;

7. Sales of tangible personal property or services to the City Council by organizations or similar State supervisory organizations of the Boy Scouts of U.S.A. and the Campfire Girls shall be exempt from sales tax; and

8. Sale of tangible personal property or services to any county, municipality, public school district, the institutions of the Oklahoma system of higher education and the Grand River Dam Authority, or to any person with whom any of the above-named subdivisions or agencies of this State has duly entered into a public contract pursuant to law, necessary for carrying out such public contract. Any person making purchases on behalf of such subdivision or agency of this State shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the purchases are made for and on behalf of such subdivision or agency of this State and set out the name of such public subdivision or agency. Any person who wrongfully or erroneously certifies that purchases are for any of the above-named subdivision or agencies of this State or who otherwise violates this Section shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount equal to double the amount of the sales tax involved or incarcerated for not more than sixty (60) days or both.

SECTION 7-211 EXEMPTIONS; GENERAL

There are hereby specifically exempted from the tax levied by this Chapter:

1. Transportation of school pupils to and from elementary schools or high schools in motor or other vehicles;

2. Transportation of persons where the fare of each person does not exceed One Dollar ($1.00), or local transportation of persons within the corporate limits of a municipality except by taxicab;

3. Carrier sales of newspapers and periodicals made directly to consumers. Other sales of newspapers and periodicals where any individual transaction does not exceed Seventy-Five Cents ($0.75). A carrier is a person who regularly delivers newspapers or periodicals to subscribers on an assigned route;

4. Sales for resale to persons engaged in the business of reselling the articles purchased, whether within or without the State, provided that such sales to residents of this State are made to persons to whom sales tax permits have been issued as provided in this Chapter. This exemption shall not apply to the sales of articles made to persons holding permits when such persons purchase items for their use and which they are not regularly engaged in the business of reselling; neither shall this exemption apply to sales of tangible personal property to peddlers, solicitors and other salesmen who do not have an established place of business and a sales tax permit;

5. Sales of advertising space in newspapers and periodicals and billboard advertising service, and any advertising through the electronic media, including radio, television and cable television;

6. Eggs, feed, supplies, machinery and equipment purchased by persons regularly engaged in the business of raising worms, fish, any insect or any other form of terrestrial or aquatic animal life and used for the purpose of raising same for marketing. This exemption shall only be granted and extended to the purchaser when the items are to be used and in fact are used in the raising of animal life as set out above. Each purchaser shall certify, in writing, on the invoice or sales ticket retained by the vendor that he is regularly engaged in the business of raising such animal life and that the items purchased will be used only in such business. The vendor shall certify to the Oklahoma Tax Commission that the price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchase or vendor shall be a misdemeanor;

7. Sales of medicine or drugs prescribed for the treatment of human beings by a person licensed to prescribe the medicine or drugs. This exemption shall not apply to proprietary or patent medicines as define by Section 353.1 of Title 59 of the Oklahoma Statutes; and

8. Nothing herein shall be construed as limiting or prohibiting the City from levying and collecting taxes on the sale of natural or artificial gas and electricity, whether sold for residential or any other use after December 31, 1980. The sales tax levied by the City on natural or artificial gas and electricity shall be in effect regardless or any ordinance or contractual provision referring to previously imposed State sales tax on such items.

SECTION 7-212 EXEMPTIONS; AGRICULTURE

There are hereby specifically exempted from the tax levied by this Chapter:

1. Sales of agricultural products produced in this State by the producer thereof directly to the consumer or user when such articles are sold at or from a farm and not from some other place of business, as follows:

   a. Farm, orchard, or garden products;

   b. Dairy products sold by a dairyman or farmer who owns all the cows from which the dairy products offered for sale are produced;

   c. Livestock sold by the producer at a special livestock sale; and

   d. The provisions of this paragraph shall not be construed as exempting sales by florists, nurserymen or chicken hatcheries, or sales of dairy products by any other business except as set out herein;

2. Sale of baby chicks, turkey pullets, and starter pullets used in the commercial production of chickens, turkeys and eggs, provided that the purchaser certifies, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the pullets will be used primarily for egg production;

3. Sale of salt, grains, tankage, oyster shells, mineral supplements, limestone and other generally recognized animal feeds for the following purposes and subject to the following limitations:

   a. Feed which is fed to poultry and livestock, including breeding stock and wool-bearing stock, for the purpose of producing eggs, poultry, milk or meat for human consumption;

   b. Feed purchased in Oklahoma for the purpose of being fed to and which is fed by the purchaser to horses, mules, or other domestic or draft animals used directly in the producing and marketing of agricultural products;

   c. Any stock tonics, water purifying products, stock sprays, disinfectants or other such agricultural supplies;

   d. Poultry shall not be construed to include any fowl other than domestic fowl kept and raised for the market or production of eggs;

e. Livestock shall not be construed to include any pet animals such as dogs, cats, birds or such other fur-bearing animals; and

f. This exemption shall only be granted and extended where the purchaser of feed that is to be used and in fact is used for a purpose that would bring about an exemption hereunder executes an invoice or sale ticket in duplicate on a form to be prescribed by the Tax Commission. The purchaser may demand and receive a copy of the invoice or sales ticket and the vendor shall retain a copy;

4. Sales of items to be and in fact used in the production of agricultural products. Sale of the following items shall be subject to the following limitations:

a. Sales of agricultural fertilizer to any person regularly engaged, for profit, in the business of farming and/or ranching. Each such purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that he is so engaged in farming and /or ranching and that the material purchased will be used only in such business;

b. Sales of agricultural fertilizer to any person engaged in the business of applying such materials on a contract or custom basis to land owned or leased and operated by persons regularly engaged, for profit, in the business of farming and/or ranching. Each such purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that he is engaged in the business of applying such materials to lands owned or leased and operated by persons regularly engaged, for profit, in the business of farming and/or ranching, and shall show in the certificate the name or names of such owner or lessee and operator, the location of the lands on which the materials are to be applied to each such land, and he shall further certify that his contract price has been reduced so as to give the farmer or rancher the full benefit of this exemption;

c. Sales of agricultural fertilizer to persons engaged in the business of applying such materials on a contract or custom basis shall not be considered to be sales to contractors under this Chapter, and the sales shall not be considered to be taxable sales within the meaning of the Oklahoma Sales Tax Code. As used in this Section, "agricultural fertilizer" means any substance sold and used for soil enrichment or soil corrective purposes or for promoting the growth and productivity of plants;

d. Sales of agricultural seed or plants to any person regularly engaged, for profit, in the business of farming and/or ranching. This Section shall not be construed as exempting from sales tax, seed which is packaged and sold for use in noncommercial flower and vegetable gardens;

e. Sales of agricultural chemical pesticides to any person regularly engaged, for profit, in the business of farming and/or ranching. For the purpose of

this act, agricultural chemical pesticides shall include any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insect, snail, slug, rodent, bird, nematode, fungus, weed or any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganisms, except viruses, bacterial or other microorganisms on or in living man, or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant; and

f. This exemption shall only be granted and extended to the purchaser where the items are to be used and in fact are used in the production of agricultural products. Each purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that the material purchased will only be used in his farming occupation. The vendor shall certify to the Oklahoma Tax commission that the contract price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor, and, upon violation and conviction for a second offense the Oklahoma Tax Commission shall revoke the vendor's sales tax permits; or

g. Sale of farm machinery, repair parts thereto or fuel, oil, lubricants and other substances used for operation and maintenance of the farm machinery to be used directly on a farm or ranch in the production, cultivation, planting, sowing, harvesting, processing, spraying, preservation or irrigation of any livestock, poultry, agricultural or dairy products produced from such lands. Each purchaser of farm machinery, repair parts thereto or fuel must certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor, that he is engaged in farming or ranching and that the farm machinery, repair parts thereto or fuel will be used only in farming and/or ranching. The exemption provided for herein shall not apply to motor vehicles. Each purchaser shall certify, in writing, on the copy of the invoice or sales ticket to be retained by the vendor that the material purchased will only be used in his farming occupation. The vendor shall certify to the Oklahoma Tax Commission that the price of the items has been reduced to grant the full benefit of the exemption. Violation hereof by the purchaser or vendor shall be a misdemeanor, and, upon violation and conviction for a second offense, the Oklahoma Tax Commission shall revoke the vendor's sales tax permit.

SECTION 7-213 EXEMPTIONS; MANUFACTURERS

There are hereby specifically exempted from the tax levied by this Chapter:

1. Goods, wares, merchandise and property purchased for the purpose of being used or consumed in the process of manufacturing, compounding, processing, assembling or preparing for sale a finished article and such goods, wares, merchandise or property become integral parts of the manufactured, compounded, processed, assembled or prepared products or are consumed in the process of manufacturing, compounding, processing, assembling, or preparing products for

resale. The term "manufacturing plants" shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;

2. Ethyl alcohol when sold and used for the purpose of blending same with motor fuel on which motor fuel tax is levied by State law;

3. Sale of machinery and equipment purchased and used by persons establishing new manufacturing plants in Oklahoma, and machinery and equipment purchased and used by persons in the operation of manufacturing plants already established in Oklahoma. This exemption shall not apply unless such machinery and equipment is incorporated into, and is directly used in, the process of manufacturing property subject to taxation under this Chapter. The term "manufacturing plants" means those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;

4. Sales of containers when sold to a person regularly engaged in the business of reselling empty or filled containers or when purchased for the purpose of packaging raw products of farm, garden or orchard for resale to the consumer or processor. This exemption shall not apply to the sale of any containers used more than once and which are ordinarily known as returnable containers, except returnable soft drink bottles. Each and every transfer of title or possession of such returnable containers in this state to any person who is not regularly engaged in the business of selling, reselling, or otherwise transferring empty or filled containers shall be taxable under this Code. This exemption shall not apply to the sale of labels or other materials delivered along with items sold but which are not necessary or absolutely essential to the sale of the sold merchandise; or

5. Sale of tangible personal property manufactured in Oklahoma when sold by the manufacturer to a person who transports it to another state for immediate and exclusive use in some other State.

SECTION 7-214 EXEMPTIONS; CORPORATIONS AND PARTNERSHIPS

There are hereby specifically exempted from the tax levied in this Chapter:

1. The transfer of tangible personal property, as follows:

   a. From one corporation to another corporation pursuant to a reorganization. As used in this Subparagraph, the term "reorganization" means a statutory merger or consolidation or the acquisition by a corporation of substantially all of the properties of another corporation when the consideration is solely all or a part of the voting stock of the acquiring corporation, or of its parent or subsidiary corporation;

   b. In connection with the winding up, dissolution or liquidation of a corporation only when there is a distribution in kind to the shareholders of the property of such corporation;

c. To a corporation for the purpose of organization of such corporation where the former owners of the property transferred are immediately after the transfer in control of the corporation, and the stock or securities received by each is substantially in proportion to his interest in the property prior to the transfer;

d. To a partnership in the organization of such partnership if the former owners of the property transferred are immediately after the transfer, members of such partnership and the interest in the partnership, received by each, is substantially in proportion to his interest in the property prior to the transfer; or

e. From a partnership to the members thereof when made in kind in the dissolution of such partnership;

2. Sale of an interest in tangible personal property to a partner or other person who after such sale owns a joint interest in such tangible personal property where the state sales or use tax has previously been paid on such tangible personal property.

SECTION 7-215 TAX DUE WHEN; RETURNS; RECORDS

The tax levied hereunder shall be due and payable at the time and in the manner and form prescribed for payment of the State sales tax under the Oklahoma Sales Tax Code.

SECTION 7-216 PAYMENT OF TAX; BRACKETS

A. The tax herein levied shall be paid to the tax collector at the time and in the form and manner provided for payment of State sales tax.

B. The bracket system for the collection of the City sales tax by the tax collector shall be the same as is hereafter adopted by the agreement of the City and the tax collector, in the collection of both the City sales tax and the State sales tax.

SECTION 7-217 TAX CONSTITUTES DEBT

The taxes, penalty and interest due under this Chapter shall at all times constitute a prior, superior and paramount claim as against the claims of unsecured creditors and may be collected by suit as any other debt.

SECTION 7-218 VENDOR'S DUTY TO COLLECT TAX; PENALTIES

A. The tax levied hereunder shall be paid by the consumer or user to the vendor. It is the duty of each and every vendor in this City to collect from the consumer or user the full amount of the tax levied by this Chapter, or an amount equal as nearly as possible or practicable to the average equivalent thereof.

B. Vendors shall add the tax imposed hereunder, or the average equivalent thereof, to the sales

price or charge, and when added such tax shall constitute a part of such price or charge, shall be a debt from the consumer or user to vendor until paid, and shall be recoverable at law in the same manner as other debts.

C. A vendor, as defined hereunder, who willfully or intentionally fails, neglects or refuses to collect the full amount of the tax levied by this Chapter, or willfully or intentionally fails, neglects or refuses to comply with the provisions or remits or rebates to a consumer or user, either directly or indirectly, and by whatsoever means, all or any part of the tax herein levied, or makes in any form of advertising, verbally or otherwise, any statement which infers that he is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices or at a price including the tax, or in any manner whatsoever, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 1-108 of this Code.

D. Any sum or sums collected or required to be collected in accordance with this Chapter shall be deemed to be held in trust for the City. Any person, firm, corporation, joint venture, or association that willfully or intentionally fails, neglects or refuses to collect the sums required to be collected or paid shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 1-108 of this Code.

SECTION 7-219 RETURNS AND REMITTANCES; DISCOUNTS

Returns and remittances of the tax herein levied and collected shall be made to the tax collector at the time and in the manner, form and amount as prescribed for returns and remittances of tax collected hereunder and shall be subject to the same discount as may be allowed by the Oklahoma Sales Tax Code for collection of State sales taxes.

SECTION 7-220 INTEREST AND PENALTIES; DELINQUENCY

Section 217 of Title 68 of the Oklahoma Statutes is hereby adopted and made a part of this Chapter, and interest and penalties at the rates and in amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this Chapter. The failure or refusal of any taxpayer to make and transmit the reports and remittances of tax in the time and manner required by this Chapter shall cause such tax to be delinquent. In addition, if the delinquency continues for a period of five (5) days, the taxpayer shall forfeit his claim to any discount allowed under this Chapter.

SECTION 7-221 WAIVER OF INTEREST AND PENALTIES

The interest or penalty or any portion thereof accruing by reason of a taxpayer's failure to pay the City tax herein levied may be waived or remitted in the same manner as provided for the waiver or as applied in administration of the State sales tax provided in Section 220 of Title 68 of the Oklahoma Statutes. To accomplish the purposes of this Section, the applicable provisions of Section 220 of Title 68 of the Oklahoma Statutes. To accomplish the purpose of this Section, the applicable provisions of Seton227 of Title 68 are hereby adopted by reference and made a part of this Chapter.

SECTION 7-222 ERRONEOUS PAYMENTS; CLAIM FOR REFUND

Refund of erroneous payment of the City sales tax herein levied may be made to any taxpayer making the erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for administration of the state sales tax as set forth in Section 227 of Title 68 of the Oklahoma Statutes. To accomplish the purpose of this Section, the applicable provisions of Section 227 of Title 68 are hereby adopted by reference and made a part of this Chapter.

SECTION 7-223 FRAUDULENT RETURNS

In addition to all civil penalties provided by this Chapter, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due under this Chapter shall be an offense, and upon conviction thereof the offending taxpayer shall be subject to a fine as provided in Section 1-108 of this Code.

SECTION 7-224 RECORDS CONFIDENTIAL

The confidential and privileged nature of the records and files concerning the administration of the City sales tax is legislatively recognized and declared, and to protect the same provisions of the State Sales Tax Code, Section 205 of Title 68 of the Oklahoma Statues, and each subsection thereof, are hereby adopted by reference and made fully effective and applicable to administration of the City sales tax as if here set forth in full.

SECTION 7-225 AMENDMENTS

The people of the City, by their approval of the sales tax ordinance hereby authorize the City Council, by Ordinance duly enacted, to make such administrative and technical changes or additions in the method and manner of administering and enforcing this Chapter as may be necessary or proper for efficiency and fairness. Neither the rate of the tax herein provided nor the use to which the revenue is put shall be changed without approval of the qualified electors of the City as provided by law.

SECTION 7-226 PROVISIONS CUMULATIVE

The provisions of this Chapter shall be cumulative and in addition to any or all other taxing provisions of City Ordinances.

CHAPTER 3
TELEPHONE EXCHANGE FEE

Section 7-301 **Fee Levied on Telephone Exchanges**
Section 7-302 **Fee to be In Lieu of Other Fees, Taxes**

SECTION 7-301 FEE LEVIED ON TELEPHONE EXCHANGES

There is hereby levied an annual inspection fee and service charge upon each and every person, firm, or corporation operating a telephone exchange in the City in an amount equal to two percent (2%) of the gross revenues for each current year for exchange telephone transmission service rendered wholly within the limits of the City to compensate the City for the expenses incurred and services rendered incident to the exercise of its Police power, supervision, Police regulations, and police control of the construction of lines and equipment of the telephone company in the City. The inspection fee and charge shall be due and payable to the City on or before June 1 of each year and shall be paid into and appropriated and expended form the general revenue fund of the City.

State Law Reference: City powers to levy utility tax on gross receipts, 68 O.S. Sections 2601 et seq.

SECTION 7-302 FEE TO BE IN LIEU OF OTHER FEES, TAXES

During continued substantial compliance with the terms of this Chapter by the owner of any telephone exchange, the charge levied hereby shall be and continue to be in lieu of all concessions, charges, excise, franchise, license, privilege, and permit fees, or taxes or assessments, except ad valorem taxes. However, it is not intended hereby to extinguish or abrogate any existing arrangement whereby the City is permitted to use underground conduit, duct space, or pole contacts of the company for the fire alarm or police call systems of the City.

CHAPTER 4
UTILITIES TAX

Section 7-401 Fee on Utilities

SECTION 7-401 FEE ON UTILITIES LEVIED

There is hereby levied on all companies not paying a franchise tax to the City an excise tax of two percent (2%) upon the gross proceeds or gross receipts derived from all sales of natural or artificial gas, electricity, ice, steam, or any other utility or public service, except water.

State Law Reference: Cities authorized to levy tax on utilities, 68 O.S. Sections 2601 et seq.

CHAPTER 5
USE TAX

Section 7-501	Excise Tax on Storage, Use or Other Consumption of Tangible, Personal Property Levied
Section 7-502	Exemptions
Section 7-503	Time When Due - Returns - Payment
Section 7-504	Tax Constitutes Debt
Section 7-505	Collection of Tax by Retailer or Vendor
Section 7-506	Collection of Tax by Retainer or Vendor not Maintaining a Place of Business Within State or Both Within and Without State - Permits
Section 7-507	Revoking Permits
Section 7-508	Remunerative Deductions Allowed Vendors or Retailers of Other States
Section 7-509	Interest and Penalties - Delinquency
Section 7-510	Waiver of Interest and Penalties
Section 7-511	Erroneous Payments - Claim for Refund
Section 7-512	Fraudulent Returns
Section 7-513	Records Confidential
Section 7-514	Provisions Cumulative
Section 7-515	Provisions Severable
Section 7-516	Definitions
Section 7-517	Tax Collector Defined
Section 7-518	Classification of Taxpayers
Section 7-519	Subsisting State Permits
Section 7-520	Purposes of Revenue

SECTION 7-501 EXCISE TAX ON STORAGE, USE OR OTHER CONSUMPTION OF CONSUMPTION OF TANGIBLE, PERSONAL PROPERTY LEVIED

There is hereby levied and there shall be paid by every person storing, using or otherwise consuming within the municipality tangible, personal property purchased or brought into this municipality, an excise tax on the storage, use or other consuming within the municipality of such property at the rate of three percent (3.0%) of the purchase price of such property. Such tax shall be paid by every person storing, using or otherwise consuming, within the municipality, tangible, personal property purchased or brought into the municipality. The additional tax levied hereunder shall be paid at the time of importation or storage of the property within the municipality and shall be assessed to only property purchased outside Oklahoma; provided, that the tax levied herein shall not be levied against tangible, personal property intended solely for use outside the municipality, but which is stored in the municipality pending shipment outside the municipality or which is temporarily retained in the in the municipality for the purpose of fabrication, repair, testing, alteration, maintenance or other service. Any person liable for payment of the tax authorized herein, may deduct from such tax any local or municipal sales tax previously paid on such goods or services; provided, that the amount deducted shall not exceed the amount that would have been due if the taxes imposed by the municipality had been levied on the sale of such goods or services.

SECTION 7-502 EXEMPTIONS

The provisions of this Chapter shall not apply:

A. In respect to the use of an article of tangible, personal property brought into the municipality by a nonresident individual visiting in this municipality for his or her personal use or enjoyment while within the municipality;

B. In respect to the use of tangible, personal property purchased for resale before being used;

C. in respect to the use of any article of tangible, personal property on which a tax, equal to or in excess of that levied by both the Oklahoma Use Tax Code and the City of Shidler Use Tax Ordinance, has been paid by the person using such tangible, personal property in the municipality, whether such tax was levied under the laws of Oklahoma or some other state or municipality of the United States. If any article of tangible, personal property has already been subjected to a tax by Oklahoma or any other State or municipality in respect to its sale or use, in an amount less than the tax imposed by both the Oklahoma Use Tax Code and the City of Shidler Use Tax Ordinance, the provisions of this Chapter shall also apply to it by a rate measured by the difference only between the rate provided by both the Oklahoma Use Tax Code and the City of Shidler Use Tax Ordinance, and the rate by which the previous tax upon the sale or use was computed. Provided, that no credit shall be given for taxes paid in another state or municipality, if that state or municipality does not grant like credit for taxes paid in Oklahoma and the municipality;

D. In respect to the use of machinery and equipment purchased and used by persons establishing new manufacturing or processing plants in the municipality, and machinery and equipment purchased and used by persons to the operation of manufacturing plants already established

E. in the municipality. Provided, this exemption shall not apply unless such machinery and equipment is incorporated into, and is directly used in, the process of manufacturing property subject to taxation under the Sales Tax Code of the municipality. The term "manufacturing plants" shall mean those establishments primarily engaged in manufacturing or processing operations, and generally recognized as such;

F. in respect to the use of tangible, personal property now specifically exempted from taxation under the Sales Tax Code of the municipality;

G. in respect to the use of any article of tangible, personal property brought into the municipality by an individual with intent to become a resident of this municipality where such personal property is for such individual's personal use or enjoyment;

H. in respect to the use of any article of tangible personal property used or to be used by commercial airlines or railroads; or

I. in respect to livestock purchased outside Oklahoma and brought into this municipality for feeding or breeding purposes, and which is later resold.

SECTION 7-503 TIME WHEN DUE - RETURNS - PAYMENT

The tax levied by this Chapter is due and payable at the time and in the manner and form prescribed for payment of the State Use Tax under the Use Tax Code of the State of Oklahoma.

SECTION 7-504 TAX CONSTITUTES DEBT

Such taxes, penalty and interest due hereunder shall at all times constitute a prior, superior and paramount claim as against the claims of unsecured creditors and may be collected by suit as any other debt.

SECTION 7-505 COLLECTION OF TAX BY RETAILER OR VENDOR

Every retailer or vendor maintaining places of business both within and without the State of Oklahoma, and making sales of tangible, personal property from a place of business outside this State for use in this municipality shall at the time of making such sales collect the use tax levied by this Chapter from the purchaser and give to the purchaser a receipt therefore in the manner and form prescribed by the Tax Commission, if the Tax Commission shall, by regulation, require such receipt. Each retailer or vendor shall list with the Tax Commission the name and address of all his agents operating in this municipality and location of any and all distribution or sales houses or offices or other places of business in this City.

SECTION 7-506 COLLECTION OF TAX BY RETAILER OR VENDOR NOT MAINTAINING A PLACE OF BUSINESS WITHIN STATE OR BOTH WITHIN AND WITHOUT STATE – PERMITS

The Tax Commission may, in its discretion, upon application, authorize the collection of the tax herein levied by any retailer or vendor not maintaining a place of business within this State but who makes sales of tangible personal property for use in this municipality and by the out-of-state place of business of any retailer or vendor maintaining places of business both within and without Oklahoma and making sales of tangible, personal property at such out-of-state place of business for use in this municipality. Such retailer or vendor may be issued, without charge, a permit to collect such taxes, by the Tax Commission in such manner and subject to such regulations and agreements as it shall prescribe. When so authorized, it shall be the duty of such retailer or vendor to collect the tax upon all tangible, personal property sold to his knowledge for use within this municipality. Such authority and permit may be cancelled when at any time the Tax Commission considers that such tax can more effectively be collected from the person using such property in this municipality. Provided, however, that in all instances where such sales are made or completed by delivery to the purchaser within this municipality by the retailer or vendor in such retailer's or vendor's vehicle, whether owned or leased (not by common carrier), such sales or transactions shall continue to be subject to applicable municipality Sales Tax at the point of delivery and the tax shall be collected and reported under taxpayer's sales tax permit number accordingly.

SECTION 7-507 REVOKING PERMITS

Whenever any retailer or vendor not maintaining a place of business in this State, or both within and without this State, and authorized to collect the tax herein levied, fails to comply with any of the provisions of this Chapter or the Oklahoma Use Tax Code or any order, rules or regulations of

the Tax Commission, the Tax Commission may, upon notice and hearing as provided for in *68 O.S. 1981, Section 1408*, by order revoke the use tax permit, if any, issued to such retailer or vendor, and if any such retailer or vendor is a corporation authorized to do business in this State may, after notice and hearing above provided, cancel said corporation's license to do business in this State and shall issue a new license only when such corporation has complied with the obligations under this Chapter, the Oklahoma Use Tax Code, or any order, rules or regulations of the Tax Commission.

SECTION 7-508 REMUNERATIVE DEDUCTIONS ALLOWED VENDORS OR RETAILERS OF OTHER STATES

Returns and remittances of the tax herein levied and collected shall be made to the Tax Commission at the time and in the manner, form and amount as prescribed for returns and remittances required by the Oklahoma Use Tax Code; and remittances of tax collected hereunder shall be subject to the same discount as may be allowed by said Code for the collection of State Use Taxes.

SECTION 7-509 INTEREST AND PENALTIES - DELINQUENCY

Section 21 of Title 68 O.S. 1981 is hereby adopted and made a part of this Chapter, and interest and penalties at the rates and in the amounts as therein specified are hereby levied and shall be applicable in cases of delinquency in reporting and paying the tax levied by this Chapter. Provided, that the failure or refusal of any retailer or vendor to make and transmit the reports and remittances of tax in the time and manner required by this Chapter shall cause such tax to be delinquent. In addition, if such delinquency continues for a period of five (5) days, the retailer or vendor shall forfeit his claim to any discount allowed under this Chapter.

SECTION 7-510 WAIVER OF INTEREST AND PENALTIES

The interest or penalty or any portion thereof accruing by reason of a retailer's or vendor's failure to pay the municipality tax herein levied may be waived or remitted in the same manner as provided for said waiver or remittance as applied in administration of the State Use Tax provided in *68 O.S. 1981, Section 227*, and to accomplish the purpose of this Section, the applicable provisions of said Section 227 are hereby adopted by reference and made a part of this Chapter.

SECTION 7-511 ERRONEOUS PAYMENTS - CLAIM FOR REFUND

Refund of erroneous payment of the municipality Use Tax herein levied may be made to any taxpayer making such erroneous payment in the same manner and procedure, and under the same limitations of time, as provided for administration of the State Use Tax as set forth in *68 O.S. 1981, Section 227*, and to accomplish the purpose of this Section, the applicable provisions of said Section 227 are hereby adopted by reference and made a part of this Chapter.

SECTION 7-512 FRAUDULENT RETURNS

In addition to all civil penalties provided by this Chapter, the willful failure or refusal of any taxpayer to make reports and remittances herein required, or the making of any false and fraudulent report for the purpose of avoiding or escaping payment of any tax or portion thereof rightfully due

under this Chapter shall be an offense, and, upon conviction thereof, the offending taxpayer shall be punished by a fine of not more than One Hundred Dollars ($100.00) and costs. Each day of noncompliance with this Chapter shall constitute a separate offense.

SECTION 7-513 RECORDS CONFIDENTIAL

The confidential and privileged nature of the records and files concerning the administration of the municipality Use Tax is legislatively recognized and declared, and to protect the same, the provisions of *68 O.S. 1981, Section 205, of the State Use Tax Code,* and each subsection thereof, is hereby adopted by reference and made fully effective and applicable to administration of the municipality Use Tax as if herein set forth in full.

SECTION 7-514 PROVISIONS CUMULATIVE

The provisions hereof shall be cumulative, and in addition to any and all other taxing provisions of the municipality Ordinances.

SECTION 7-515 PROVISIONS SEVERABLE

The provisions hereof are hereby declared to be severable, and if any Section, paragraph, sentence or clause of this Chapter is for any reason held invalid or inoperative by any Court of competent jurisdiction such decision shall not affect any other Section, paragraph, sentence of clause hereof.

SECTION 7-516 DEFINITIONS

The definitions of words, terms and phrases contained in the *Oklahoma Use Tax Code, Section 1401, 68 O.S. 1981*, are hereby adopted by reference and made a part of this Chapter. In addition, thereto, the following words and terms shall be defined as follows:

1. City shall mean the City of Shidler, Oklahoma.

2. Transaction shall mean sale.

SECTION 7-517 TAX COLLECTOR DEFINED

The term "tax collector" as used herein means the department of the municipality government or the official agency of the State, duly designated according to law or contract authorized by law, to administer the collection of the tax herein levied.

SECTION 7-518 CLASSIFICATION OF TAXPAYERS

For the purpose of this Chapter, the classification of taxpayers hereunder shall be as prescribed by State law for purposes of the Oklahoma Use Tax Code.

SECTION 7-519 SUBSISTING STATE PERMITS

All valid and subsisting permits to do business issued by the Tax Commission pursuant to the Oklahoma Use Tax Code are for the purpose of this Chapter hereby ratified, confirmed and adopted

in lieu of any requirement for an additional municipality permit for the same purpose.

SECTION 7-520 PURPOSES OF REVENUE

It is hereby declared to be the purpose of this Chapter to provide revenues for the support of the functions of the municipal government of the municipality, and any and all revenues derived hereunder may be expended by the governing body of the municipality for any purpose for which funds may be lawfully expended as authorized.

CHAPTER 6
TAX ON NON-FRANCHISE HOLDERS

Section 7-601	**Tax Levied**
Section 7-602	**Payment**
Section 7-603	**Failure to Pay**
Section 7-604	**Lien of Tax**

SECTION 7-601 TAX LEVIED

There is hereby levied and assessed an annual tax in the amount of two percent (2%) of the gross receipts from sales of power, light, heat, gas and electricity in the City of Shidler, Oklahoma, from residential and commercial sales, which tax shall be in lieu of any other franchise, license, occupation or excise tax; provided, however, that the provisions hereof shall not apply to any person, firm, association or corporation operating under a valid franchise in said City.

SECTION 7-602 PAYMENT

That the annual tax levied herein shall be payable quarterly and placed in the General Revenue Fund of the City of Shidler and every person, firm, or association or corporation subject to the provisions hereof shall with each quarterly payment furnish a complete and accurate verified statement of all gross receipts from residential and commercial sales within said City during the period for which said quarterly payment is made; said statement and payment shall be made to the City Clerk not later than twenty (20) days after the expiration of the quarter when due.

SECTION 7-603 FAILURE TO PAY

Any person, firm or corporation failing or refusing to pay such tax shall be regarded as a trespasser and may be ousted from the City of Shidler and, in addition thereto, an action may be maintained against such person, firm or corporation for the amount of the tax and all expense of collecting same, including reasonable attorney's fees.

SECTION 7-604 LIEN OF TAX

The tax imposed hereunder shall constitute a first and prior lien upon all of the assets located within the City of Shidler, Oklahoma, of any person, firm or corporation engaged in the business of selling power, light, heat, gas or electricity therein.

PART 8
HEALTH AND SANITATION

CHAPTER 1
WEEDS AND TRASH

Section 8-101	Accumulation of Trash or Weeds Unlawful
Section 8-102	Definitions
Section 8-103	Reports of Accumulation of Grass, Weeds, or Trash on Property
Section 8-104	Receipt of Report, Hearing, and Notice
Section 8-105	Work Done by Employees or Contract
Section 8-106	Determination and Assessment of Costs
Section 8-107	Lien on Property, Civil Remedy
Section 8-108	Service of Notice
Section 8-109	Unlawful to Deposit Rubbish
Section 8-110	Burning Refuse
Section 8-111	Lifting of Fire Code Restrictions for Individual Burning
Section 8-112	Removal of Dead Animals
Section 8-113	Unlawful to Litter
Section 8-114	Unlawful to Litter from Automobiles
Section 8-115	Litter not to Accumulate on Property
Section 8-116	Dilapidated Structures
Section 8-117	Penalty

CHAPTER 2
FOOD REGULATIONS

Section 8-201	U.S. Food Service Sanitation Ordinance Adopted
Section 8-202	Milk Ordinance Adopted
Section 8-203	Grade Requirements
Section 8-204	Grease and Oil Traps or Interceptors for Food Service Providers or Establishments
Section 8-205	Garbage and Rubbish Disposal for Food Service Providers or Establishments
Section 8-206	Violation; Penalty

CHAPTER 3
NUISANCES

Section 8-301	Nuisance Defined; Public Nuisances; Private Nuisances
Section 8-302	Persons Responsible
Section 8-303	Time does not Legalize
Section 8-304	Remedies Against Public Nuisances
Section 8-305	Remedies Against Private Nuisances
Section 8-306	City Power to Define and Summarily Abate Nuisances
Section 8-307	Certain Public Nuisances in the City Defined
Section 8-308	Summary Abatement of Nuisances

Section 8-309 Abatement by Suit in District Court
Section 8-310 Nuisance Unlawful
Section 8-311 Health Nuisances; Abatement
Section 8-312 Toilet Facilities Required; Nuisance
Section 8-313 Procedure Cumulative

CHAPTER 4
ENFORCEMENT AND PENALTY

Section 8-401 County Health Department Designated to Enforce Health Ordinances
Section 8-402 Obstructing Health Officer
Section 8-403 Quarantine; Violations
Section 8-404 Penalty

CHAPTER 5
JUNKED MOTOR VEHICLES

Section 8-501 Abandoned Autos as Nuisance; Definitions
Section 8-502 Storing, Parking or Leaving Dismantled or Other Such Motor Vehicle Prohibited; Declared Nuisance; Exceptions
Section 8-503 Notice to Remove
Section 8-504 Responsibility for Removal
Section 8-505 Notice Procedure
Section 8-506 Content of Notice
Section 8-507 Request for Hearing, Administrative Hearing Officer Position Created and Right to Appeal Where City Undertakes Removal
Section 8-508 Procedure for Hearing
Section 8-509 Removal of Motor Vehicle from Property
Section 8-510 Notice of Removal
Section 8-511 Disposition of Vehicles
Section 8-512 Contents of Public Sale Notice
Section 8-513 Public Sale
Section 8-514 Redemption of Impounded Vehicles
Section 8-515 Abandonment of Vehicles
Section 8-516 Impounding

CHAPTER 6
REMEDIATION OF REAL PROPERTY CONTAMINATED BY METHAMPHETAMINE AND OTHER NOXIOUS, HAZARDOUS OR TOXIC SUBSTANCES ACTIVITY

Section 8-601 Purpose and Intent
Section 8-602 Definitions
Section 8-603 Reports of Methamphetamine or Other Noxious, Hazardous and Toxic Substance Activity
Section 8-604 Prohibition of Occupancy
Section 8-605 Notice of Contamination
Section 8-606 Assessment and Remediation

Section 8-607 Acceptable Levels of Contamination
Section 8-608 Cleanup and Safety Standards
Section 8-609 Final Report
Section 8-610 Penalty

CHAPTER 7
PROHIBITION FOR TOBACCO PRODUCTS AT CITY FACILITIES, IN CITY PARKS AND AT CITY RECREATIONAL AREAS

Section 8-701 Definitions
Section 8-702 Prohibition of Tobacco Products and Vapor Products on City Parks and City Recreational Areas
Section 8-703 Enforcement
Section 8-704 Penalty

CHAPTER 1
WEEDS AND TRASH

Section 8-101	**Accumulation of Trash or Weeds Unlawful**
Section 8-102	**Definitions**
Section 8-103	**Reports of Accumulation of Grass, Weeds, or Trash on Property**
Section 8-104	**Receipt of Report, Hearing, and Notice**
Section 8-105	**Work Done by Employees or Contract**
Section 8-106	**Determination and Assessment of Costs**
Section 8-107	**Lien on Property, Civil Remedy**
Section 8-108	**Service of Notice**
Section 8-109	**Unlawful to Deposit Rubbish**
Section 8-110	**Burning Refuse**
Section 8-111	**Lifting of Fire Code Restrictions for Individual Burning**
Section 8-112	**Removal of Dead Animals**
Section 8-113	**Unlawful to Litter**
Section 8-114	**Unlawful to Litter from Automobiles**
Section 8-115	**Litter not to Accumulate on Property**
Section 8-116	**Dilapidated Structures**
Section 8-117	**Penalty**

SECTION 8-101 ACCUMULATION OF TRASH OR WEEDS UNLAWFUL

It is unlawful for any owner or occupant of any lot, tract, or parcel of land situated wholly or in part within the corporate limits of the City to allow trash or weeds to grow, stand or accumulate upon such premises. It is the duty of such owner or occupant to remove or destroy any such trash or weeds.

State Law Reference: Cleaning, mowing property, municipal powers, 11 O.S. Section 22-110.

SECTON 8-102 DEFINITIONS

As used in this Chapter, the following terms shall have the meanings respectively ascribed to them in this Section:

1. "Weeds" includes, but is not limited to, poison ivy, poison oak or poison sumac and all vegetation at any stage of maturity which:

   a. Exceeds twelve (12) inches in height, except healthy trees, shrubs or produce for human consumption or grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public and community of a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of the weeds;

   b. Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash;

c. Harbors rodents or vermin;

d. Gives off unpleasant or noxious odors;

e. constitutes a fire or traffic hazard; or

f. Is dead or diseased.

The term "weed" does not include tended crops on land zoned for agricultural use which are planted more than one hundred fifty (150) feet from a parcel zoned for other than agricultural use;

2. "Trash" means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal, waste, or matter of any kind or form which is uncared for, discarded or abandoned; and

3. "Owner" means the owner of record as shown by the most current tax rolls of the County Treasurer.

SECTION 8-103 REPORTS OF ACCUMULATION OF GRASS, WEEDS OR TRASH ON PROPERTY

Any officer or employee of the City who discovers an accumulation of trash or the growth of grass and weeds, or both these conditions, upon any premises within the limits of the City, shall report the condition to the City Clerk if, as a result of the accumulation or growth, the premises appear to be:

1. Detrimental to the health, benefit and welfare of the public and the community;

2. A hazard to traffic;

3. A fire hazard to property; or

4. Any two (2) or more of these conditions.

State Law Reference: Cleaning and mowing of property, procedures and powers, 11 O.S. Section 22-111.

SECTION 8-104 RECEIPT OF REPORT, HEARING AND NOTICE

A. Upon receiving the report provided for in Section 8-103 of this Code, or upon receipt of equivalent information from any reliable source, the City Clerk shall place the matter upon the agenda of the City Council for hearing and consideration at an appropriate date which will permit the giving of the notices prescribed by State law. At the hearing, the Council shall consider whether the premises, by reason of the conditions specified, are detrimental to the health, benefit and welfare of the public and the community, or a hazard to traffic, or a fire hazard to property, or any two (2) or more of such conditions.

B. At least ten (10) days prior to the hearing, the City Clerk shall give written notice of the hearing by posting upon the premises and by forwarding a copy thereof by certified mail with return receipt requested to the owner of the property at the address shown by the current year's tax rolls in the office of the Treasurer of the County in which the property is located. If the return receipt shows that the property owner cannot be located, notice shall be given by posting a copy of the notice on the property effected or by publication in a newspaper of general circulation one time not less than ten (10) days prior to the date of the hearing.

C. At least ten (10) days from the date of receipt of the notice by the owner or the date of publication and upon the date specified in the notice, the City Council shall hear the matter and shall receive information thereon, including anything which may be presented by the owner of the premises, personally or by agent or attorney. If the Council determines that any of the conditions specified in Section 8-103 of this Code exist upon the premises, it may order the property to be cleaned of trash, or other trash or weeds to be cut, removed or destroyed unless within ten (10) days from the date of receipt of the notice or date of publication the owner either:

1. Cuts, removes or destroys the trash or weeds in accordance with the notice; or

2. Gives written consent authorizing the City to abate the trash or weeds, thereby waiving his right to a hearing.

SECTION 8-105 WORK DONE BY EMPLOYEES OR CONTRACT

The work ordered to be performed under Section 8-104 of this Code may be done by the employees of this City under supervisions of the City utility or sanitation department, or it may be let by contract to the lowest and best bidder, after appropriate notice, in the manner for letting other contracts.

SECTION 8-106 DETERMINATION AND ASSESSMENT OF COSTS

Upon the completion of the work ordered to be performed under Section 8-105 of this Code the City Clerk shall report the cost thereof to the City Council. Such report shall be itemized as to each tract of property involved as follows: labor, machinery rental or depreciation, fuel and supplies, cost of notice, other costs and indirect costs of five percent (5%) of direct actual costs. The City Council shall examine the report and, after receiving appropriate information, shall determine the total costs of the work. The City Council shall direct the City Clerk to forward a statement and demand payment of the total cost by certified mail with return receipt requested to the owner of the property at the address shown by the current tax rolls in the office of the Treasurer of the county in which the property lies.

SECTION 8-107 LIEN ON THE PROPERTY, CIVIL REMEDY

If the costs of the work performed under this Chapter are not paid within thirty (30) days from the date of mailing the notice prescribed by Section 8-106 hereof, the City Clerk shall forward a certified statement of the amount of the costs to the County Treasurer of the County in which the property, upon which the work was done, is located, in order that the amount be levied upon the

property and be collected by the County Treasurer in the manner prescribed by the law of this State. The lien is coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property. The lien shall continue until the cost is fully paid. At any time prior to collection as provided in this Section the City may pursue any civil remedy for collection of the amount owing and interest thereon. Upon receiving payment, if any, the City Clerk shall forward to the County Treasurer, a notice of such payment and directing discharge of the lien.

SECTION 8-108 SERVICE OF NOTICE

The service of all notices prescribed by this Chapter shall be evidenced by the return of the officer making such service, certified in his official capacity, and filed in the office of the City Clerk.

SECTION 8-109 UNLAWFUL TO DEPOSIT RUBBISH

It is unlawful for any person to throw, place or deposit any rubbish, trash, slop, garbage, filthy substance, grass, weeds, trees, brush or any other refuse or waste matter in any street, avenue, and alley or in any ditch or watercourse, or upon the premises of another, or upon any public ground in this City.

SECTION 8-110 BURNING REFUSE

A. It is unlawful to willfully burn any trash or refuse or any type material within the City except as provided by the Code.

B. It is unlawful for any person to burn trash, waste paper, rubbish or refuse except under permit issued by the State Health Department or U.S. Environmental Protection Agency.

SECTION 8-111 LIFTING OF FIRE CODE RESTRITIONS FOR INDIVIDUAL BURNING

A. The City Council by motion may select a date and time period in which the prohibitions against burning debris, trash and other disposable non-toxic materials within the City limits may take place. Such motion may be made at any regular or special session of the Council and be passed by a majority thereof, but only after first being placed appropriately upon the agenda.

B. Burning of debris shall be limited to the common meaning of such term and shall not include the burning of buildings, structures, or inordinately large stacks or piles of such debris or in any manner burning anything that would endanger the health or public safety of the citizens of the City.

C. Lifting of fire Code restrictions shall not and do not in any matter, release individuals from responsibility for safely containing and attending to a fire set by them nor release them from any liability for negligence with respect thereto. Lifting the restrictions by the Council only legally allows individuals to take reasonable action in burning debris, etc. (As amended; Ord. No. 89-3-1; Ord. No. 92-6-1, 6/2/92; Ord. No. 93-1-1, 1/5/93)

SECTION 8-112 REMOVAL OF DEAD ANIMALS

The owner or any person having charge of any animal dying in this City, shall within twenty-four (24) hours after the date of such animal, remove its carcass, and failure to do so shall constitute a misdemeanor.

SECTION 8-113 UNLAWFUL TO LITTER

A. Littering is defined as throwing any trash, refuse, waste paper, tin cans, bottles or any other object or substance whatever upon the public streets, alleys, roadways and sidewalks of the City or upon any real property owned or occupied by anther.

B. It is unlawful for any person to litter.

SECTION 8-114 UNLAWFUL TO LITTER FROM AUTOMOBILES

It is unlawful for any person to throw from any automobile or motor vehicle being operated and driven upon and over the streets, alleys and roadways of the City any litter, trash, waste paper, tin cans or any other substance or refuse whatever.

SECTION 8-115 LITTER NOT TO ACCUMULATE ON PROPERTY

A. It is unlawful for any person, firm or corporation, occupying any real property, either as tenant or owner, to allow trash, waste paper, litter objects, bottles, tin cans or any other used or disposed of objects to accumulate upon such real property or premises being so occupied or rented to such an extent as to constitute a littering nuisance.

B. It is unlawful for any person, firm or corporation occupying any real property, either as tenant or owner, to allow accumulated trash, waste paper, litter objects, bottles, tin cans or any other used or disposed of objects to be carried from the occupied premises, either by the wind, elements or otherwise to any adjoining or other real estate not so owned or occupied by the offender.

SECTION 8-116 DILAPIDATED STRUCTURES

It is unlawful for any owner or occupant of any structure within the corporate limits of the City to allow said structure to become dilapidated. For the purposes of this Section, "dilapidated structure" means a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that said structure is a hazard to the health, safety, or welfare of the general public, as enumerated in *Title 11, "22-112 and 22-112.1, of the Oklahoma Statutes.*

SECTION 8-117 PENALTY

Any person, firm, or corporation found violating any provision of this Chapter shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished as provided in Section 1-108 of this Code.

CHAPTER 2
FOOD REGULATIONS

Section 8-201	**U.S. Food Service Sanitation Ordinance Adopted**
Section 8-202	**Milk Ordinance Adopted**
Section 8-203	**Grade Requirements**
Section 8-204	**Grease and Oil Traps or Interceptors for Food Service Providers or Establishments**
Section 8-205	**Garbage and Rubbish Disposal for Food Service Providers or Establishments**
Section 8-206	**Violation; Penalty**

SECTION 8-201 U.S. FOOD SERVICE SANITATION ORDINANCE ADOPTED

A. The unabridged form of the latest edition of the "United States Public Health Service Food Service Sanitation Ordinance and Code" is hereby adopted and incorporated in this Code by reference. One copy of the sanitation ordinance and code shall be on file in the office of the City Clerk. The sanitation Ordinance and Code shall govern the definitions, inspection of food service establishments, the issuance, suspension, and revocation of permits to operate food service establishments, the prohibiting of the sale of adulterated or misbranded food or drink and the enforcement of this Section. In the sanitation Ordinance and Code, however, all parenthetical phrases referring to grading and the following subsections shall be understood to be deleted: Subsection H.2.e., H.7 and H.8.

B. "Health Authority" shall mean the director of the County Health Department of this County or his designated representative.

C. Any person who violates any provision of this Section s hall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1-108 of this Code. In addition, thereto, any person convicted of violation may be enjoined from continuing the violation.

State Law Reference: State food regulations, 63 O.S. Sections 1-1101 et seq.

SECTION 8-202 MILK ORDINANCE ADOPTED

Part II of the Grade A Pasteurized Milk Ordinance, recommended by the U.S. Public Health Service, is hereby adopted and incorporated by reference to govern and regulate the production, transportation, processing, handling, sampling, examination, grading, labeling and sale of milk and milk products sold for ultimate consumption within the City limits or its police jurisdiction; the inspection of dairy farms, dairy herds and milk plants; the issuing and revocation of permits to milk producers, haulers and distributors. At least one copy of the Pasteurized Milk Ordinance shall be filed in the office of the appropriate official. Sections 9, 16, and 17 of the abridged ordinance shall be replaced, respectively, by Sections 8-202 and 8-206 of this Code.

State Law Reference: State laws regulating milk standards, 63 O.S. Sections 1-1301 et seq; manufacture of milk, 2 O.S. Sections 7-1 et seq.

SECTION 8-203 GRADE REQUIREMENTS

Only Grade A pasteurized milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments; provided that in an emergency, milk which is upgraded or the grade which is unknown, may be authorized by the health authority, in which case, such milk and milk products shall be labeled "ungraded".

SECTION 8-204 GREASE AND OIL TRAPS OR INTERCEPTORS FOR FOOD SERVICE PROVIDERS OR ESTABLISHMENTS

Owners of property having food services shall provide grease and oil traps or interceptors for the proper handling of liquid wastes containing grease or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwellings. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water tight and equipped with easily removable covers, which when bolted in place shall be gas tight and water tight. Where installed, all grease and oil interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times. (Ord. 06-6-2; June 6, 2006)

SECTION 8-205 GARBAGE AND RUBBISH DISPOSAL FOR FOOD SERVICE PROVIDERS OR ESTABLISHMENTS

All garbage and rubbish containing food wastes, including grease and oil, shall, prior to disposal, be kept in leak proof, nonabsorbent containers which shall be kept covered with tight-fitting lids when filled or stored, or not in continuous use, provided that such containers need not be covered when stored in a special vermin-proofed room or enclosure, or in a food-waste refrigerator. All other rubbish shall be stored in containers, rooms, or areas in an approved manner. The rooms, enclosure areas, and containers used shall be adequate for the storage of all food waste and rubbish accumulating on the premises. Adequate cleaning facilities shall be provided, and each center, room, or area, shall be thoroughly cleaned after the emptying or removal of garbage and rubbish. Food-waste grinders, if used, shall be installed in compliance with State and local standards. All garbage and rubbish shall be disposed of with sufficient frequency and in such a manner as to prevent a nuisance. (Ord. No. 06-6-2, 06-06-2006)

SECTION 8-206 VIOLATION; PENALTY

Any person who violates any of the provisions of this Chapter is guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 1-108 of this Code. (Ord. No. 06-6-2, 06-06-2006)

CHAPTER 3
NUISANCES

Section 8-301	**Nuisance Defined; Public Nuisances; Private Nuisances**
Section 8-302	**Persons Responsible**
Section 8-303	**Time Does Not Legalize**
Section 8-304	**Remedies Against Public Nuisances**
Section 8-305	**Remedies Against Private Nuisances**
Section 8-306	**City has Power to Define and Summarily Abate Nuisances**
Section 8-307	**Certain Public Nuisances in the City Defined**
Section 8-308	**Summary Abatement of Nuisances**
Section 8-309	**Abatement by Suit in District Court**
Section 8-310	**Nuisance Unlawful**
Section 8-311	**Health Nuisances; Abatement**
Section 8-312	**Toilet Facilities Required; Nuisance**
Section 8-313	**Procedure Cumulative**

SECTION 8-301 NUISANCE DEFINED; PUBLIC NUISANCES; PRIVATE NUISANCES

A. A nuisance is unlawfully doing an act or omitting to perform a duty or is any thing or condition which either:

1. Annoys, injures, or endangers the comfort, repose, health, or safety of others;

2. Offends decency;

3. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any lake or navigable river, stream, canal or basin, or any public park, square, street, or other public property; or

4. In any way renders other persons insecure in life or in the use of property.

B. A public nuisance is one which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.

C. Every nuisance not included in Subsection B above is a private nuisance.

State Law Reference: Nuisances defined, municipal powers to abate, 50 O.S. Sections 1 et seq.

SECTION 8-302 PERSONS RESPONSIBLE

Every successive owner of property who neglects to abate a continuing nuisance upon or in the use of such property, created by a former owner, is liable therefore in the same manner as the one who first created it.

SECTION 8-303 TIME DOES NOT LEGALIZE

No lapse of time can legalize a public nuisance amounting to an actual obstruction of public right.

SECTION 8-304 REMEDIES AGAINST PUBLIC NUISANCES

The remedies against a public nuisance are:

1. Prosecution on complaint before the municipal Court;
2. Prosecution on information or indictment before another appropriate Court;
3. Civil action; or
4. Abatement:
    a. By person injured as provided in Section 12 of Title 50 of the Oklahoma Statutes; or
    b. By the City in accordance with law or Ordinance.

SECTION 8-305 REMEDIES AGAINST PRIVATE NUISANCES

The remedies against a private nuisance are:

1. Civil action; or
2. Abatement:
    a. By person injured as provided in Section 12 of Title 50 of the Oklahoma Statutes; or
    b. By the City in accordance with law or Ordinance.

SECTION 8-306 CITY HAS POWER TO DEFINE AND SUMMARILY ABATE NUISANCES

As provided in Section 16 of Title 50 of the Oklahoma Statutes, the City has power to determine what is and what shall constitute a nuisance within its corporate limits and, for the protection of the public health, the public parks and the public water supply, outside of its corporate limits. Whenever it is practical to do so, the City has the power summarily to abate any such nuisance after notice to the owner and an opportunity for him to be heard, if this can be done.

SECTION 8-307 CERTAIN PUBLIC NUISANCES IN THE CITY DEFINED

In addition to other public nuisances declare by other Sections of this Code or law, the following are hereby declared to be public nuisances:

1. The sale or offering for sale of unwholesome food or drink; or the keeping of a place where such sales or offers are made;

2. The sale, offering for sale or furnishing of intoxicating liquor in violation of the State law or ordinances of the City; or keeping of a place where intoxicating liquor is sold, offered for sale or furnished in violation of the State law or ordinance of the City;

3. The exposure, display, sale or distribution of obscene pictures, books, pamphlets, magazines, papers, documents or objects; or the keeping of a place where such are exposed, displayed, sold or distributed;

4. The keeping of a place where persons gamble, whether by cards, slot machines, punchboards, or otherwise;

5. The keeping of a place where prostitution, illicit sexual intercourse or other immoral acts are practiced:

6. The keeping of a place where activities in violation of State law or ordinance are practiced or carried on;

7. The conduct or holding of public dances in violation of the ordinances of the City; or the keeping of a place where such dances are held;

8. The public exposure of a person having a contagious disease;

9. The continued making of loud or unusual noises which annoy persons or ordinary sensibilities; or the keeping of an animal which makes such noises;

10. The operation or use of any electrical apparatus or machine which materially or unduly interferes with radio or television reception by others;

11. Any use of a street or sidewalk or a place adjacent thereto which causes crowds of people to gather so as to obstruct traffic on such street or sidewalk, or which otherwise obstructs traffic thereon, except as may be authorized by law or ordinance;

12. Permitting water or other liquid to flow or fall, or ice or snow to fall, from any building or structure upon any street or sidewalk;

13. All wells, pools, cisterns, bodies or containers of water in which mosquitos' breed or are likely to breed, or which are so constructed, formed, conditioned or situated as to endanger the public safety;

14. Rank weeds, or grass, carcasses, accumulations of manure, refuse or other things which are, or are likely to be, breeding places for flies, mosquitoes, vermin, or disease germs; and the premises on which such exist;

15. Any building or structure which is dangerous to the public health or safety because of damage, decay or other condition;

16. Any pit, hole or other thing which is constructed, formed, conditioned or situated as to endanger the public safety;

17. Any fire or explosion hazard which endangers the public safety;

18. Any occupation or activity which endangers the public peace, health, morals, safety or welfare;

19. Any motor vehicle (whether in operating condition or not) or any trailer without a current vehicle plate as required by law for vehicles used on the public highways, when stored or kept in a residence district; or

20. Any stable or other place where animals are kept that may become obnoxious or annoying to any resident of the City, by reason of any noise or noises made by the animal therein, or by reason of lack of sanitation, is hereby declare to be a nuisance.

The above enumeration of certain public nuisances shall be cumulative and not limit other provisions of law or ordinances defining public or private nuisances either in more general or more specific terms.

SECTION 8-308 SUMMARY ABATEMENT OF NUISANCES

A. Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety, morals or welfare of one or more persons or of the public generally. It is recognized that circumstances may be such as to justify, and even to require the Mayor or other appropriate officer or agency of the City government to take immediate and proper action summarily to abate such nuisances, or to reduce or suspend the danger until more deliberate action can be taken toward such abatement.

B. The Chief of the Fire Department, the Chief of Police, the City Attorney, the Building Inspector, the Electrical Inspector, the Plumbing Inspector, or any other officer subordinate to the Mayor, may submit, through or with the consent of the Mayor to the City Council, a statement as to the existence of a nuisance as defined by the ordinances of the City of law, and a request or recommendation that it be abated. The Mayor himself, the Health Officer, and Council or any resident or residents of the City may submit such a statement and request a recommendation to the Council.

C. The Council shall determine whether or not the alleged nuisance is a nuisance in fact. For the purpose of gathering evidence on the subject, the City Council shall have power to subpoena and examine witnesses, books, papers, and other effects. Before proceeding to abate the nuisance or have it abated, the City Council shall give notice of a hearing on the proposed abatement to the owner of any property concerned and an adequate opportunity to be heard, if such notice and opportunity for a hearing can be given. Such notice to the owner and other persons concerned shall be given in writing, by mail, or service by a Police

Officer, if their names and addresses are known; but, if the names or addresses are not known, and the peace, health, safety, morals or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the necessary delay, a notice of the hearing shall be published in a paper of general circulation within the City.

D. If the Council finds that a nuisance does in fact exist, it shall direct the owner or other persons responsible for or causing the nuisance to abate it within a specified time if the peace, health, safety, morals or welfare of the person or persons or public adversely affected would not be unduly jeopardized by the consequent delay, or if the owner or other persons responsible for or causing the nuisance do not abate it within the specified time, the Council shall direct the Mayor to abate the nuisance or to have it abated, if summary abatement is practical, as authorized by Section 16 of Title 50 of the Oklahoma Statues. The City Clerk shall send a statement of the cost of such summary abatement to the owner or other persons responsible for or causing the nuisance, as may be just under the circumstances, if their names and addresses are known. Until paid, such cost shall constitute a debt to the City collectible as other debts to the City may be collected.

SECTION 8-309 ABATEMENT BY SUIT IN DISTRICT COURT

In cases where it is deemed impractical summarily to abate a nuisance, the City may bring suit in the district court of the county where the nuisance is located, as provided in Section 17 of Tile 50 of the Oklahoma Statutes.

SECTION 8-310 NUISANCE UNLAWFUL

It is unlawful for any person, including but not limited to any owner, lessee, or other person to create or maintain a nuisance within the City or to permit a nuisance to remain on the premises under his control within the City.

SECTION 8-311 HEALTH NUISANCES; ABATEMENT

A. Pursuant to authority granted by Section 1-1011 of Title 63 of the Oklahoma Statutes, the Health Officer shall have authority to order the owner or occupant of any private premises in the City to remove from such premises, at his own expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease, or any other condition adversely affecting the public health, within twenty-four (24) hours, or within such other time as may be in writing and may be served personally on the owner or occupant of the premises, or authorized agent thereof, by the Health Officer or by a Policeman or a copy thereof may be left at the last usual place of abode of the owner, occupant or agent, if known and within the State. If the premises are unoccupied and the residence of the owner, occupant, or agent is unknown, or is without the state, the order may be served by posting a copy thereof on the premises or by publication in at least one issue of a newspaper having a general circulation in the City.

B. If the order is not complied with, the Health Officer may cause the order to be executed and complied with and the cost thereof shall be certified to the City Clerk, and the cost of removing or abating such nuisance shall be added to the water bill or other City utility bill of the owner or occupant if he is a user of water from the City water system or such other

utility service. The cost shall be treated as a part of such utility bill to which it is added and shall become due and payable, and subject to the same regulations relating to delinquency in payment as the utility bill itself. If such owner or occupant is not a user of any City utility service, such cost, after certification to the City Clerk, may be collected in any manner in which any other debt due the City may be collected.

SECTION 8-312 TOILET FACILITIES REQUIRED; NUISANCE

A. For the purpose of this Section, the following terms shall have the respective meanings ascribed to them herein:

1. "Human excrement" means the bowel and kidney discharge of human beings;

2. "Sanitary water closet" means the flush type toilet which is connected with a sanitary sewer line of such capacity and construction as to carry away the contents at all times; and

3. "Sanitary pit privy" means a privy which is built, rebuilt, or constructed so as to conform with the specifications approved by the State Health Department.

B. Every owner of a residence or other building in which humans reside, are employed or congregate within this City shall install, equip and maintain adequate sanitary facilities for the disposal of human excrement by use of a sanitary water closet or a sanitary pit privy. The closets and toilets hereby required shall be of the sanitary water closet type when located within two hundred (200) feet of a sanitary sewer and accessible thereto and of the sanitary water closet type (notwithstanding a greater distance from a sanitary sewer) or the water closet type emptying into a septic tank system or the pit privy type. A septic tank system or a pit privy may be used in such cases only if it meets the standards of and is approved by the State Health Department.

C. All human excrement disposed of within this City shall be disposed of by depositing it in closets and privies of the type provided for in this Section. It is unlawful for any owner of property within the City to permit the disposal of human excrement thereon in any other manner, or for any person to dispose of human excrement within the City in any other manner.

D. All privies shall be kept clean and sanitary at all times, and the covers of the seats of privies shall be kept closed at all times when the privies are not being used. No wash water, kitchen slop or anything other than human excrement and toilet paper shall be emptied into a privy. No excrement from any person suffering from typhoid fever, dysentery, or other serious bowel disease shall be deposited in any sanitary pit privy or sanitary water closet until it is disinfected in such a manner as may be prescribed by the Health Officer.

E. All facilities for the disposal of human excrement in a manner different from that required by this Section and all privies and closets so constructed, situated or maintained as to endanger the public health, are hereby declared to be public nuisances, and may be dealt with and abated as such. Any person maintaining any such nuisance is guilty of an offense and each day upon which any such nuisance continues is a separate offense.

SECTION 8-313 PROCEDURE CUMULATIVE

The various procedures for abating nuisances prescribed by this Chapter and by other provisions of law and Ordinance shall be cumulative on to any other penalties or procedures authorized.

CHAPTER 4
ENFORCEMENT AND PENALTY

Section 8-401	**County Health Department Designated to Enforce Health Ordinances**
Section 8-402	**Obstructing Health Officer**
Section 8-403	**Quarantine; Violations**
Section 8-404	**Penalty**

SECTION 8-401 COUNTY HEALTH DEPARTMENT DESIGNATED TO ENFORCE HEALTH ORDINANCES

Anywhere in this Chapter where the word or words "Health Officer" are used, it shall be construed to mean the director of the county health department or his duly designated representative. It is the intent and purpose of the Mayor and City Council to delegate the enforcement of the health Ordinances of this City as set out in this Section and any such decisions rendered under this Section shall be subject to review by the governing council upon an appeal from an offender.

SECTION 8-402 OBSTRUCTING HEALTH OFFICER

It is unlawful or any person to willfully obstruct or interfere with any health officer or physician charged with the enforcement of the health laws of this City.

SECTION 8-403 QUARANTINE; VIOLATIONS

It is unlawful for any person to willfully violate, refuse, or omit to comply with any lawful order, direction, prohibition, rule, or regulation of the board of health or any officer charged with enforcement of such order, direction, prohibition, rule, or regulation.

SECTION 8-404 PENALTY

Any person who violates any provision of this Chapter or any law or Code adopted by reference in this Chapter is guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this Code. In addition, thereto, such person may be enjoined from continuing such violations.

CHAPTER 5
JUNKED MOTOR VEHICLES

Section 8-501	**Abandoned Autos as Nuisance; Definitions**
Section 8-502	**Storing, Parking or Leaving Dismantled or Other Such Motor Vehicle Prohibited; Declared Nuisance; Exceptions**
Section 8-503	**Notice to Remove**
Section 8-504	**Responsibility for Removal**
Section 8-505	**Notice Procedure**
Section 8-506	**Content of Notice**
Section 8-507	**Request for Hearing, Administrative Hearing Officer Position Created and Right to Appeal Where City Undertakes Removal**
Section 8-508	**Procedure for Hearing**
Section 8-509	**Removal of Motor Vehicle from Property**
Section 8-510	**Notice of Removal**
Section 8-511	**Disposition of Vehicles**
Section 8-512	**Contents of Public Sale Notice**
Section 8-513	**Public Sale**
Section 8-514	**Redemption of Impounded Vehicles**
Section 8-515	**Abandonment of Vehicles**
Section 8-516	**Impounding**

SECTION 8-501 ABANDONED AUTOS AS NUISANCE; DEFINITIONS

Any abandoned motor vehicle is hereby declared a nuisance, is prohibited, and is subject to abatement as provided in this Chapter. For the purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given herein:

1. "Abandoned motor vehicles" means a motor vehicle for which, after a period of seventy-two (72) hours, there is no evidence of an apparent owner who intends to remove the vehicle;

2. "Chief of Police" is the Chief of Police or Marshal of the City;

3. "Motor Vehicle" is any vehicle which is self-propelled, and designed to travel along the ground and shall include, but not be limited to automobiles, buses, motor-bikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers;

4. "Junked Motor Vehicle" is any motor vehicle, as defined by Paragraph 2 of this Section, which does not have lawfully affixed thereto both an unexpired license plate or plates and a current motor vehicle safety inspection certificate and the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded;

5. "Person" means any person, firm, partnership, association, corporation, company, or organization of any kind;

6. "Private Property" means any real property within the City which is privately owned and which is not public property as defined in this Section; and

7. "Public Property" means any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel and shall mean any other publicly owned property or facility.

SECTION 8-502 STORING, PARKING OR LEAVING DISMANTLED OR OTHER SUCH MOTOR VEHICLE PROHIBITED; DECLARED NUISANCE; EXCEPTIONS

No person shall park, store, leave, or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled condition whether attended or not, upon any public or private property within the City for a period of time in excess of seventy-two (72) hours. The presence of an abandoned, wrecked, or partially dismantled vehicle, or parts thereof, on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this Chapter. This Section shall not apply to any vehicle enclosed within a building on private property or to any business enterprise, lawfully licensed by the City and operated in the appropriate business zone, pursuant to the zoning laws of the City, or to any motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways, or any vehicle retained by the owner for antique collection purposes. The City may prosecute in Municipal Court any such violation as provided for in Section 1-108.

SECTION 8-503 NOTICE TO REMOVE

Whenever it comes to the attention of the Mayor or his designee that any nuisance, as defined in Section 8-502 of this Chapter, exists in the City, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this Chapter.

SECTION 8-504 RESPONSIBILITY FOR REMOVAL

Upon proper notice, the owner of the abandoned, wrecked, dismantled, or inoperative vehicle and the owner or occupant of the private property upon which the same is located, either or all of them shall be responsible for its removal. In the event of removal and disposition by the City, the owner, or occupant of the private property where the vehicle is located, shall be liable for the expenses incurred.

SECTION 8-505 NOTICE PROCEDURE

The Chief of Police of the City shall give notice of removal to the owner or occupant of the private property where it is located, at least ten (10) days before the time of compliance. It shall constitute sufficient notice when a copy of same is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by certified mail to the owner or occupant of the private property at his last known address.

SECTION 8-506 CONTENT OF NOTICE

The notice shall contain the request for removal within the time specified in this Chapter, and the notice shall advise that upon failure to comply with the notice to remove, the City shall prosecute a criminal complaint for failure to abate the nuisance, or the City or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property in compliance with Section 8-507 hereof.

SECTION 8-507 REQUEST FOR HEARING, ADMINISTRATIVE OFFICER POSITION CREATED AND RIGHT TO APPEAL WHERE CITY UNDERTAKES REMOVAL

A. Where the City undertakes removal, the persons to whom the notices are directed, or their duly authorized agents, may file a written request for hearing before the Administrative Hearing Officer of the City within the ten (10) day period of compliance prescribed in Section 8-505 of this Chapter. Only where the City undertakes the removal of the vehicle shall this Section, along with Sections 8-508 through 8-513, apply.

B. The Administrative Hearing Officer shall be the Mayor, unless specifically designated otherwise by the City Council.

C. Request for hearing shall be directed to the City Clerk of the City.

D. In the event that the person requesting the hearing is aggrieved and wishes to appeal the decision of the Administrative Hearing Officer, that person shall, within three (3) days of the decision of the Administrative Hearing Officer, file a written notice of intent to appeal and request for hearing before the City Council. All proceedings will be stayed until the matter is presented and heard before the City Council and a final decision is made regarding the appeal. If the appeal is denied, then, and in that event, the provisions of this Code shall all be applicable.

SECTION 8-508 PROCEDURE FOR HEARING

The hearing shall be held as soon as practicable after the filing of the request and the persons to whom the notices are directed shall be advised of the time and place of the hearing at least five (5) days in advance thereof. At any such hearing, the City and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.

SECTION 8-509 REMOVAL OF MOTOR VEHICLE FROM PROPERTY

A. If the violation described in the notice has not been remedied within the ten (10) day period of compliance, or in the event that notice requesting a hearing is timely filed, a hearing is had, and the existence of the violation is affirmed by the Administrative Hearing Officer or the City Council, if the matter is appealed, the Chief of Police or his designee has the right to take possession of the junked motor vehicle and remove it from the premises. It is unlawful for any person to interfere with, hinder, or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this Chapter.

B. The City may at any time prosecute criminal charges on a daily basis for failure to abate the nuisance.

SECTION 8-510 NOTICE OF REMOVAL

Within forty-eight (48) hours of the removal of such vehicle, the Chief of Police shall give notice to the registered owner of the vehicle, if known, and to the owner or occupant of the private property from which the vehicle was removed, that the vehicle or vehicles, has been impounded and stored for violation of this Chapter. The notice shall give the location of where the vehicle or vehicles is (are) stored, and the costs incurred by the City for removal.

SECTION 8-511 DISPOSITION OF VEHICLES

Upon removing a vehicle under the provisions of Section 8-510 hereof, the Chief of Police shall, after a period of ten (10) days, give notice of public sale not less than ten (10) days prior to the date of the proposed sale.

SECTION 8-512 CONTENTS OF PUBLIC SALE NOTICE

The notice of sale shall state:

1. The sale is of abandoned property in the possession of the City;

2. A description of the vehicle, including make, model, license number, and any other information which will accurately identify the vehicle;

3. The terms of the sale; and

4. The date, time and place of the sale.

SECTION 8-513 PUBLIC SALE

The vehicle shall be sold to the highest and best bidder. At the time of payment of the purchase price, the Chief of Police shall execute a certificate of sale, in duplicate, the original of which is to be given to the purchaser, and the copy thereof to be filed with the City Clerk of the City. Should the sale for any reason be invalid, the City's liability shall be limited to the return of the purchase price.

SECTION 8-514 REDEMPTION OF IMPOUNDED VEHICLES

The owner of any vehicle seized under the provisions of this Chapter may redeem such vehicle at any time after its removal, but prior to the sale or destruction thereof, upon proof of ownership and payment to the City Clerk of such sums as he may determine, and the actual and reasonable expenses of removal, and any preliminary sale expenses, plus storage, for each vehicle redeemed.

SECTION 8-515 ABANDONMENT OF VEHICLES

No person, firm or corporation shall abandon any vehicle within the City on any public or private property, and no person shall leave any vehicle at any place within the City for such time and under such circumstances as to cause the vehicle reasonably to appear to have been abandoned.

SECTION 8-516 IMPOUNDING

The Chief of Police or other appropriate official, or any member of his department designated by him is hereby authorized to remove or have removed any vehicle left at any place within the City, which reasonably appears to be in violation of this Chapter, or lost, stolen or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with the applicable Ordinances.

CHAPTER 6
REMEDIATION OF REAL PROPERTY CONTAMINATED BY METHAMPHETAMINE AND OTHER NOXIOUS, HAZARDOUS OR TOXIC SUBSTANCES ACTIVITY

Section 8-601	**Purpose and Intent**
Section 8-602	**Definitions**
Section 8-603	**Reports of Methamphetamine or Other Noxious, Hazardous and Toxic Substance Activity**
Section 8-604	**Prohibition of Occupancy**
Section 8-605	**Notice of Contamination**
Section 8-606	**Assessment and Remediation**
Section 8-607	**Acceptable Levels of Contamination**
Section 8-608	**Cleanup and Safety Standards**
Section 8-609	**Final Report**
Section 8-610	**Penalty**

SECTION 8-601 PURPOSE AND INTENT

The purpose of this Section is to protect occupants of real property, as well as occupants of adjoining properties and the public at large, from hazardous and contaminated living environments by requiring owners of real property to remediate contamination of property caused by methamphetamine activity, or activities involving other noxious, hazardous and toxic substances, prior to resumed occupancy.

SECTION 8-602 DEFINITIONS

For purposes of this Section, the following definitions shall apply:

1. "Activity" or "activities" shall include the manufacture and possession of methamphetamine and other noxious, hazardous or toxic substances; or other acts involving such substances that present public health and safety risks to current or future occupants of real property, adjacent properties or the public at large.

2. "Property" or "real property" shall include land, buildings, or other residential or commercial structures and facilities designed for human occupancy that are owned by an individual, firm, corporation or entity, and that are contaminated by activity or activities.

SECTION 8-603 REPORTS OF METHAMPHETAMINE OR OTHER NOXIOUS, HAZARDOUS AND TOXIC SUBSTANCE ACTIVITY

Upon discovery that an owner's property is, or has been, the location for any type of methamphetamine or other noxious, hazardous or toxic substance activity, an owner shall immediately report such activity to the Shidler Police Department.

SECTION 8-604 PROHIBITION OF OCCUPANCY

Until a contractor experienced in hazardous waste removal and remediation, as prescribed herein, assesses the contaminated property, cleans up any contamination and prepares a Final Report which shows that the levels of contamination upon the property meets the acceptable levels listed in Section 8-607, occupation of the property for human habitation is prohibited.

SECTION 8-605 NOTICE OF CONTAMINATION

1. Upon notice that contamination has occurred due to activity, the Chief of Police shall affix upon the property a "Notice of Contamination" containing the following information:

    a. The word "**WARNING**" in bold type.

    b. The address of the contaminated property or, if the property has multiple structures or dwelling units upon it, the address of each contaminated dwelling unit.

    c. A statement that: "Hazardous substances, toxic chemicals, or other waste products may be present on the property."

    d. A warning that: "Any person who enters the structure(s) without permission of the owner or the Shidler Police Department will have committed a trespass."

2. Upon becoming so informed, the Chief of Police shall notify City Hall of such contamination. The City shall not provide utilities to such property(s) until further notice from the Chief of Police.

3. It shall be unlawful for any person, including the property owner, property manager or occupant, to remove such Notice of Contamination while the property is deemed to be in a contaminated condition. Such Notice shall only be removed by the Chief of Police upon completion of remediation.

SECTION 8-606 ASSESSMENT AND REMEDIATION

1. Upon discovery that property is or has been the location for any type of activity or activities, the owner, prior to any resumed occupancy of the property and after the removal of such manufacturing or processing equipment or materials shall retain the services of a contractor who is experienced in hazardous waste removal and remediation to assess the level of contamination within the property and provide a written report documenting the level of contamination. At a minimum, such contractor shall have completed forty (40) hours of Hazardous Waste Operation and Emergency Response training pursuant to 29 C.F.R. 1910.120, or subsequent regulations thereof, and shall have received certification pursuant to this training. The owner shall obtain a copy of the contractor's 29 C.F.R. 1910.120 certification before allowing the contractor to begin the assessment.

2. If, upon the completion of the assessment, the contractor determines:

   a. The level of contamination does not exceed the acceptable contamination levels, as defined in Section 8-607, the owner shall require the contractor to prepare a Final Report as prescribed in Section 8-609. Once the Final Report is prepared and delivered to the owner, the owner shall deliver a copy of the Final Report to the Chief of Police. The Chief of Police shall remove the Notice of Contamination, authorize the owner in writing that occupancy may resume, and notify City Hall that it may resume utility service to such property.

   b. If the level of contamination exceeds the acceptable levels defined in Section 8-607, the owner shall not allow occupancy of the property for human habitation until an approved contractor has:

      i. Cleaned up any contamination and remediated the property according to the standards of Section 8-607; and,

      ii. Conducted another assessment which shows that contamination levels are acceptable pursuant to Section 8-607.

      iii. Once the level of contamination meets the acceptable standards defined in Section 8-607, then the owner shall require the contractor to prepare a Final Report prescribed in Section 8-609. Once the Final Report is prepared and delivered to the owner, the owner shall deliver a copy to the Chief of Police. The Chief of Police shall remove the Notice of Contamination and authorize the owner in writing that occupancy may resume. The Chief of Police shall also notify City Hall that it may resume utility service to such property.

SECTION 8-607 ACCEPTABLE LEVELS OF CONTAMINATION

The owner shall require the certified contractor to test the levels of volatile organic compounds (VOCs), pH, Mercury, Lead, and Methamphetamine in both the initial assessment and the post-remediation assessment. Acceptable levels for each are the following:

1. VOCs: 0.9 parts per million or below.

2. pH: Surface level of 7 or below.

3. Mercury: 0.3 microgram per cubic meter of mercury in air or below.

4. Lead: 20 micrograms per square foot or below.

5. Methamphetamine: 0.1 microgram per one hundred square centimeters or below.

SECTION 8-608 CLEANUP AND SAFETY STANDARDS

Contractors hired by an owner to engage in removal and remediation shall conduct assessments and cleanup pursuant to the relevant standards and guidelines proposed or adopted by the Oklahoma Drug Enforcement Agency, the Federal Drug Enforcement Agency, the Oklahoma Department of Environmental Quality, and the Environmental Protection Agency, and shall follow safety procedures mandated by the relevant federal and state agencies governing hazardous waste.

SECTION 8-609 FINAL REPORT

1. All inspections and assessments conducted by a contractor during the removal and remediation process shall be fully documented in writing. The report shall include the dates that actions were performed and the names and signatures of the people and/or companies who performed the actions. The Final Report shall include any other types of relevant documents, including but not limited to photographs, video recordings, drawings, and charts. Such additional documentation shall likewise be signed and dated. The owner shall immediately provide a copy of the Final Report to the Chief of Police upon receipt from the contractor. The Final Report, at a minimum, shall include:

    a. A case narrative, site description, and site assessment.

    b. Physical address of property, number and type of structures or dwelling units on the property, and a description of adjacent and/or surrounding properties.

    c. Law enforcement reports, documented observations, and pre-remediation sampling results that provide information regarding the manufacturing or processing method, chemicals present, manufacturing or processing areas, chemical storage areas, and observed areas of contamination or waste disposal.

    d. Name of cleanup contractor(s) and the contractor's qualifications, experience, and copy(s) of any certification(s); and,

    e. The signature of the contractor who prepared the report.

    f. A copy of the contractor's 29 C.F.R. 1910.120 certification.

2. Where property is remediated, a Final Report shall also include:

    a. Worker safety and health information.

    b. Decontamination and Encapsulation: Procedures for each area that was decontaminated.

    c. Documentation that the structure was cleaned to acceptable levels, including, but not limited to, the location and results of post-

decontamination samples, descriptions of analytical methods used, and the location(s) of laboratory(s) used.

SECTION 8-610 PENALTY

1. Any person, firm or corporation violating any of the provisions of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be punished as provided in Section 1-108 of the Shidler Code of Ordinances.

2. Each day a violation occurs shall constitute a separate offense.

3. The provisions of this Chapter shall not preclude the City of Shidler or any other aggrieved party from pursuing any civil remedies to recover any and all costs associated with administration or enforcement of this Chapter.

CHAPTER 7
PROHIBITION FOR TOBACCO PRODUCTS AT CITY FACILITIES, IN CITY PARKS AND AT CITY RECREATIONAL AREAS

Section 8-701	**Definitions**
Section 8-702	**Prohibition of Tobacco Products and Vapor Products on City Parks and City Recreational Areas**
Section 8-703	**Enforcement**
Section 8-704	**Penalty**

SECTION 8-701 DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning:

ELECTRONIC SMOKING DEVICE: Any electronic and/or battery-operated device, the use of which may resemble smoking that can be used to deliver an inhaled dose of nicotine or other substances. Electronic smoking device includes any such device, whether manufactured, distributed, marketed or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

CITY PROPERTY/FACILITIES: Any area that is owned, controlled or used by the City of Nowata, Nowata Municipal Authority, or the Nowata Community Medical Authority, including; buildings, facilities, machinery and open areas.

CITY RECREATIONAL AREA: Any area that is owned, controlled or used by the City of Nowata and open to the general public for recreational purposes, regardless of any fee or age requirement. The term "recreational area" includes, but is not limited to, parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, riding trails, swimming pools, roller and ice skating rinks, beaches surrounding lakes and skateboard parks.

SMOKING: The carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device.

TOBACCO PRODUCT: Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, bidis, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body. "Tobacco product" does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

SECTION 8-702 PROHIBITING OF TOBACCO PRODUCTS AND ELECTRONIC

SMOKING DEVICES AT CITY PARKS AND CITY RECREATIONAL AREAS

A. The use of lighted tobacco in any form including vapor products is a public nuisance and dangerous to public health and is hereby prohibited when such possession or use is in any City Recreational Facility owned or operated by this City.

B. Smoking or use of a Tobacco Product or an Electronic Smoking Devise at any City Recreational Areas owned or operated by this City is prohibited.

C. Smoking or use of a Tobacco Product or an Electronic Smoking Devise at any buildings, City Property/Building or portions thereof, owned or operated by this City.

D. The City Manager is authorized to promulgate and enforce reasonable rules and regulations not inconsistent with this Section.

E. All employees and patrons are requested to honor the smoking and nonsmoking areas designated and to respect the preference of others.

SECTION 8-703 ENFORCEMENT

The City Manager shall implement the following in order to prevent smoking in public places:

1. Post signs at entrances to places where smoking is prohibited which state that tobacco use is prohibited or that the indoor environment is free of tobacco smoke; and

2. City personnel shall ask tobacco users to refrain from using any form of tobacco products including electronic smoking devices upon observation of anyone violating the provisions of this Act.

SECTION 8-704 PENALTY

Any person who shall violate any provision of Section 8-702 or an order made by any of the officers provided for in this part, shall be guilty of an offense, and upon conviction thereof, shall be subject to a fine not to exceed Five Dollars ($5.00).

PART 9
LICENSING AND BUSINESS REGULATIONS

CHAPTER 1
OCCUPATIONAL LICENSE FEES

Section 9-101 License Fee Levied on Certain Occupations
Section 9-102 Ex-Service Persons
Section 9-103 Separate Licenses Required
Section 9-104 License to be Displayed
Section 9-105 License may be Revoked
Section 9-106 Transfer of License Prohibited
Section 9-107 Duplicate License
Section 9-108 Penalty

CHAPTER 2
ITINERANT VENDORS

Section 9-201 Definitions
Section 9-202 License Required
Section 9-203 Application
Section 9-204 Hours
Section 9-205 License Fee
Section 9-206 Transfer

CHAPTER 3
OTHER PROVISIONS

Section 9-301 Second-Hand and Rummage Sales, Tax
Section 9-302 Penalty
Section 9-303 Coin-Operated Devices
Section 9-304 Repealed
Section 9-305 Repealed
Section 9-306 Repealed
Section 9-307 Repealed

CHAPTER 4
MEDICAL MARIJUANA ESTABLISHMENTS

Section 9-401 Adoption of State Statutes and Regulations
Section 9-402 Business License
Section 9-403 Location Restrictions
Section 9-404 Conditions of Operation
Section 9-405 Commercial Marijuana Growing Facilities and Processing Facilities
Section 9-406 Marijuana Growing Facilities for Personal Medical Use
Section 9-407 Construction, Fire and Building Inspections and other Requirements

CHAPTER 1
OCCUPATIONAL LICENSE FEES

Section 9-101	**License Fee Levied on Certain Occupations**
Section 9-102	**Ex-Service Persons**
Section 9-103	**Separate Licenses Required**
Section 9-104	**License to be Displayed**
Section 9-105	**Transfer of License Prohibited**
Section 9-106	**Duplicate License**
Section 9-107	**Penalty**

SECTION 9-101 LICENSE FEE LEVIED ON CERTAIN OCCUPATIONS

A. A license fee is hereby levied on every person engaging in, exercising, or pursuing any of the following businesses, professions, trades, occupations, or privileges in this City, for an annual fee as set by the Council by motion or resolution:

1. Barber shops, per chair;

2. Beauty shops, per chair;

3 All commercial businesses, per year;

4. All fortune tellers, palmists, seers and spiritualists, per day;

5. Second-hand goods, sales, or rummage sales (in excess of one per year); and

6. Coin-operated devices.

B. In order to receive a license under this Chapter, every person, firm or corporation regulated, pursuant to this Section, is required to possess a valid and current state sales tax permit if such person, firm or corporation is a vendor subject to collection of sales taxes under the sales tax code of the City and State. A copy of this permit shall be provided by the applicant for a license to the City Clerk prior to issuance of the City license.

C. All annual occupation taxes hereinbefore assessed each and every year shall become delinquent from and after the first day of June, and a penalty of One Dollar ($1.00) per month thereafter shall be assessed until the taxes are paid against each delinquent. (Amended by Ord. No. 92-3-1, 3/3/92)

State Law Reference: Municipal authority to tax and regulate occupations, 11 O.S. Sections 22-106, 22-107.

SECTION 9-102 EX-SERVICE PERSONS

Nothing in this Chapter or in other Ordinances of the City shall be deemed to require ex-service persons to secure a license or pay a license fee for engaging in a business, occupation, or privilege

when he is exempted there from by statutes of the State or other provisions of law.

SECTION 9-103 SEPARATE LICENSES REQUIRED

Every person who engages in, exercises or pursues a business, profession, trade, occupation, or privilege for which a license is required, at or from more than one place in the City, or who engages in, exercises, or pursues more than one such business, profession, trade, occupation, or privilege, shall pay the fee, and secure a separate license, for each such place or for each such business, profession, trade, occupation, or privilege.

SECTION 9-104 LICENSE TO BE DISPLAYED

Every holder of a license to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege, shall conspicuously display the license at all times in some part of his place of business or activity where a person who has entered the place may readily see it; or, if he has no particular place of business or activity, shall carry the license and shall display it to any person who requests to see it. In lieu of the manner of displaying such licenses provide above, when licenses are required for coin-operated music or amusement devices, vending machines, and similar devices and equipment, the license may be placed on or attached to such device or equipment in such position and manner that it will be clearly visible and shall be so placed or attached if the license so states on its face. It is unlawful to fail or refuse to display the license as required in this Section.

SECTION 9-105 TRANSFER OF LICENSE PROHIBITED

The assignment or transfer of licenses shall not be permitted in this City.

State Law Reference: License may not be transferred, 11 O.S. Section 22-107.

SECTION 9-106 DUPLICATE LICENSE

Whenever any license to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege, has been lost or destroyed without any wrongful act or connivance by the holder, the City Clerk, on application, shall issue a duplicate license for the unexpired time. Before the duplicate is issued, the holder shall make and file with the City Clerk an affidavit that the license has not been transferred, that it has been lost or destroyed without any wrongful act or connivance by the holder, and that, if believed lost, he has made diligent search for it and has been unable to find it. The fee for every duplicate license issued, payable to the City Clerk, shall be set by the City Council.

SECTION 9-107 PENALTY

Any person who engages in any business, profession, trade, or occupation, or exercises any privilege, for which a license is required by this Chapter, without a valid license as thereby required, or who shall violate any provision of this Chapter, shall be guilty of an offense, and upon conviction, shall be punished as provided in Section 1-108 of this Code. Violation of this Chapter shall also be grounds for revocation or suspension of license granted.

CHAPTER 2
ITINERANT VENDORS

Section 9-201	**Definitions**
Section 9-202	**License Required**
Section 9-203	**Application**
Section 9-204	**Hours**
Section 9-205	**License Fee**
Section 9-206	**Transfer**

SECTION 9-201 DEFINITIONS

For the purpose of this Chapter, the following terms shall have the meanings respectively ascribed to them in this Section:

1. "Itinerant Vendor" means and includes all persons, firms or corporations, as well as their agents and employees who engage in the temporary or transient business in the City of selling or offering for sale any goods or merchandise, or exhibiting the same for sale or exhibiting the same for the purpose of carrying on such business or conducting such exhibits thereof either hire, rent, lease or occupy any room or space in any building, structure, other enclosure, vacant lot or any other property whatever in the City in, through, or from which any goods or merchandise may be sold, offered for sale, exhibited for sale or exhibited for the purpose of taking orders for the sale thereof;

2. "Temporary" as used in Paragraph 1 hereof means any such business transacted or conducted in the City for which definite arrangements have not been made for the hire, rental, or lease of premises for at least one hundred (100) days, in or upon which such business is to be operated or conducted; and

3. "Transient" as used in Paragraph 1 as used hereof means any such business of any such Itinerant Vendor as may be operated or conducted by persons, firms or corporations, or by their agents or employees who reside away from the City or who have fixed places of business in places other than the City or who move stocks of goods or merchandise or samples thereof into the City with the purpose or intention of removing the, or the unsold portion thereof, away from the City before the expiration of one hundred (100) days.

The term "Itinerant Vendor" shall not include or be construed to include anyone engaged in interstate commerce nor anyone upon which the provisions of this Chapter would impose a direct and unlawful burden on interstate commerce.

SECTION 9-202 LICENSE REQUIRED

It is unlawful for any Itinerant Vendor to sell, offer for sale, exhibit for sale, or exhibit for the purpose of taking orders for the sale thereof, any goods, or merchandise in the City without first obtaining a license as herein provided. The City Clerk shall issue to any Itinerant Vendor a license

authorizing such Itinerant Vendor to sell, exhibit for sale, offer for sale, or exhibit for the purpose of taking orders for the sale thereof in the City his goods or merchandise only after such Itinerant Vendor shall have fully complied with all provisions of this Chapter and shall have paid the license fees hereinafter provided, which sum shall be compensation to the City for the services herein required of it and to enable the City to partially defray the expenses of enforcing the provisions of this Chapter.

SECTION 9-203 APPLICATION

The Itinerant Vendor shall make application to the City Clerk of the City at least ten (10) days prior to the date of his contemplated sale or exhibit to be held in the City which application shall be in the form of an affidavit, stating the full name and address of the Itinerant Vendor, the location of his or its principal office and place of business, the names and addresses of its officers if it be a corporation, and the partnership name and the names and addresses of all partners if such Itinerant Vendor be a firm. The application thereof must be accompanied by:

1. A statement showing the kind and character of goods to be sold, or merchandise to be sold, offered for sale, or exhibited.

2. A certified copy of the charter if the Itinerant Vendor be a corporation, incorporated under the laws of this State;

3. A certified copy of its permit or authority to do business in the State if the Itinerant Vendor be a corporation, incorporated under the laws of some State other than Oklahoma; and

4. A bond in the sum of not less than Five Hundred Dollars ($500.00), executed by the Itinerant Vendor as principal, with some surety company authorized to do business in the state as surety, which bond shall be payable to the City for the use and benefit of any person or persons entitled thereto and conditioned that the principal and surety will pay all damages to person, or persons, caused by or arising from, or growing out of the wrongful or illegal conduct of the Itinerant Vendor while conducting the sale or exhibit in the City. The bond shall remain in full force and effect for the entire duration of the license permit as provided herein, and two (2) years thereafter.

SECTION 9-204 HOURS

No Itinerant Vendor may sell, offer for sale, exhibit or solicit orders for sales between the hours of 9:00 P.M. and 8:30 A.M. on any day.

SECTION 9-205 LICENSE FEE

Fees shall be as set by the City Council by motion or resolution.

SECTION 9-206 TRANSFER

The license permit provided for herein shall not be transferable nor give authority to more than

one (1) person to conduct a business as an Itinerant Vendor, but any persons having obtained such license may have the assistance of one or more persons in conducting the business. No rebate or refund of the fee may be granted for any licensee.

CHAPTER 3
OTHER PROVISIONS

Section 9-301	**Second-Hand and Rummage Sales, Tax**
Section 9-302	**Penalty**
Section 9-303	**Coin-Operated Devices**
Section 9-304	**Repealed**
Section 9-305	**Repealed**
Section 9-306	**Repealed**
Section 9-307	**Repealed**

SECTION 9-301 SECOND-HAND AND RUMMAGE SALES, TAX

Any person or persons, corporation, association (incorporated or unincorporated), group, club or body of people holding more than one garage and rummage or second-hand article sale within a one (1) year period from his or its last such sale is hereby declared a business and subject to the business and occupation license and tax requirements of the City Code and Ordinances amendatory thereof.

SECTION 9-302 PENALTY

Any person or persons, corporation, association (incorporated or unincorporated), group, club or body of people holding more than one garage and rummage or second-hand article sale within the City limits of the City within one (1) year from the last such sale held by him or it, or in which such person or persons, corporation, association (incorporated or unincorporated), group, club or body of people, has a substantial interest, without having first obtained the business and occupation license and paid the tax required in this Chapter shall be, upon conviction, punished by a fine not to exceed the amount set by Section 1-108 of this Code.

SECTION 9-303 COIN-OPERATED DEVICES

Any person, firm or corporation, either as principal, officer, agent, servant or employee, operating or owning any coin-operated machine shall first pay to the City the fee or tax set out in Section 9-101 and procure from the City a license as therein provided.

(Ord. No. 92-3-1, 3/3/92)

SECTION 9-304 HOW DISTRIBUTED

Repealed. (Ord. No. 92-3-1, 3/3/92)

SECTION 9-305 FEE

Repealed. (Ord. No. 92-3-1, 3/3/92)

SECTION 9-306 TIME FOR PAYMENT

Repealed. (Ord. No. 92-3-1, 3/3/92)

SECTION 9-307 PENALTY

Repealed. (Ord. No. 92-3-1, 3/3/92)

CHAPTER 4
MEDICAL MARIJUANA ESTABLISHMENTS

Section 9-401	**Adoption of State Statutes and Regulations**
Section 9-402	**Business License**
Section 9-403	**Location Restrictions**
Section 9-404	**Conditions of Operation**
Section 9-405	**Commercial Marijuana Growing Facilities and Processing Facilities**
Section 9-406	**Marijuana Growing Facilities for Personal Medical Use**
Section 9-407	**Construction, Fire and Building Inspections and other Requirements**

SECTION 9-401 ADOPTION OF STATE STATUTES AND RATES

The City of Shidler hereby adopts by reference all regulations now contained or hereafter contained in Title 63, Sections 420 through 426, inclusive, of the Oklahoma Statutes, concerning Medical Marijuana, and any amendments thereto. Further, the City of Shidler hereby adopts by reference the final rules for the Oklahoma Medical Marijuana Control Program now contained or hereafter contained in Title 310, Chapter 681 of the Oklahoma Administrative Code, and any amendments thereto.

SECTION 9-402 BUSINESS LICENSE

A. All operators of Marijuana Establishments are required to obtain a Business License from the City Clerk pursuant to Chapter 1 of Part 9 titled "Business License Fee" of the Shidler Code of Ordinances, which is applicable to all businesses.

B. A Business License will not be granted to any applicant where the proposed location is within a restricted area as hereinafter set forth or the proposed location is within a residentially zoned area.

SECTION 9-403 LOCATION RESTRICTIONS

A. A Retail Marijuana Establishment Permit will not be granted to any applicant where the proposed location is within one thousand (1,000) feet of any private or public preschool, elementary, secondary, vocational or trade school, college or university; or any other location prohibited by State law or regulations.

B. For the distance requirements outlined in this Ordinance, the distances described shall be computed by direct measurement in a straight line from the nearest property line of the parcel of land on which the use described in Section A above is located to the nearest property line of the building or unit in which the proposed retail marijuana establishment would be located.

SECTION 9-404 CONDITIONS OF OPERATION

A. Buildings where marijuana is stored or dispensed must be equipped with ventilation/air filtration systems so that no odors are detectable off premises.

B. The retail establishment must collect the applicable sales tax on all sales.

C. Any violations of this Section will result in the revocation of the Business License.

D. It is the intent of the City of Shidler that nothing in this Chapter 9 shall be construed to:

1. Allow persons to engage in conduct that endangers or causes a public nuisance;

2. Allow the use of marijuana for non-medical purposes; or

3. Allow any activity that is otherwise illegal and not permitted by State law.

SECTION 9-405 COMMERCIAL MARIJUANA GROWING AND PROCESSING FACILITIES

A. Commercial Marijuana Growing and/or Processing Facilities are hereby allowed within the City boundaries of the City of Shidler, Oklahoma under the conditions that the facility must acquire a Business License from the City Clerk as provided in Section 9-902 above and shall not be placed in an area which is zoned for residential purposes.

B. The facility must be constructed in such a manner that the growing and/or processing of the marijuana plants cannot be seen by the public from a public right of way.

C. The growing and/or processing area including any lighting, plumbing, chemical use or storage, or electrical components used shall comply with City building, electrical, plumbing, and fire codes.

D. Growing and/processing marijuana shall not be conducted in a manner that constitutes a public nuisance. A public nuisance may be deemed to exist if growing and/or processing marijuana produces light, glare, heat, noise, odor, explosion, combustion, chemical discharge, or vibration that is detrimental to public health, safety or welfare or interferes with the reasonable enjoyment of life and property.

SECTION 9-406 MARIJUANA GROWING FACILITIES FOR PERSONAL MEDICAL USE

A. Only persons holding a Patient or Caregiver License issued by the Oklahoma Medical Marijuana Authority pursuant to 63 O.S. §420A may grow marijuana for personal medical use.

B. A Patient license holder may possess no more than the amounts of plants, seedlings, and marijuana products authorized by 63 O.S. §420A (1-7).

C. A Licensed Caregiver may grow plants for no more than three (3) Patient license holders, and each plant grown by a Caregiver must be clearly labeled with the patient license holder's Patient License Number.

D. Growing marijuana shall not be visible from the public right of way.

E. The growing and/or processing area including any lighting, plumbing or electrical components used shall comply with City building and fire codes. The growing and/or processing area must be properly ventilated so as not to create humidity, mold or other related problems. Lighting shall not exceed one thousand (1,000) watts per light. The use of gas products (C02, butane, etc.) or C02 and ozone generators in the growing area is prohibited.

F. The growing and/or processing marijuana shall not be conducted in a manner that constitutes a public nuisance. Marijuana grown for personal use shall not be extracted using an extraction process which uses combustible materials, including but not limited to, butane and alcohol. A public nuisance may be deemed to exist if growing and/or processing marijuana produces light, glare, heat, noise, odor, explosion, combustion, chemical discharge, or vibration that is detrimental to public health, safety or welfare or interferes with the reasonable enjoyment of life and property.

G. The primary use of the residential property in which marijuana is grown and/or processed shall remain at all times a residence, with legal and functioning cooking, eating, sleeping and sanitation/bathing facilities with proper ingress and egress.

E. Cultivated marijuana must be used exclusively pursuant to a valid state issued medical marijuana license.

SECTION 9-407 CONSTRUCTION, FIRE AND BUILDING INSPECTIONS AND OTHER REQUIREMENTS

A. All premises outlined in Chapter 9-902 will be subject to inspections as required of all facilities, by an individual authorized by the City, prior to issuance, where new construction or remodeling occurs, per the Shidler Code of Ordinances. Building permits, including construction, electrical, plumbing, and such other permits, including fire inspections are required by the Shidler Code of Ordinances.

B. All inspections prior to a permit decision will occur at a time scheduled and approved by both the applicant and the City inspector.

C. The applicant will be required to be present during any inspections.

PART 10
OFFENSES AND CRIMES

CHAPTER 1
OFFENSES IN GENERAL

Section 10-101 Attempts to Commit an Offense
Section 10-102 Aiding in an Offense

CHAPTER 2
OFFENSES AGAINST PROPERTY

Section 10-201 Petit Larceny Prohibited
Section 10-202 Injuring Automobiles and Other Vehicles
Section 10-203 Destroying or Injuring Buildings and Other Property
Section 10-204 Placing Signs on Property of Another
Section 10-205 Throwing or Shooting at Persons or Property
Section 10-206 Tampering with or Damaging Public Utilities
Section 10-207 Unlawful Intrusion Upon Land
Section 10-208 Illegal Entrance
Section 10-209 Throwing Advertising on Street, Prohibited
Section 10-210 Throwing Injurious Substances
Section 10-211 Injury to Plants and Trees
Section 10-212 Public Streets and Trees
Section 10-213 Trespass Prohibited
Section 10-214 Parking on Property of Another
Section 10-215 Interference with Fire Hydrants

CHAPTER 3
OFFENSES AGAINST THE PUBLIC

Section 10-301 Disturbing the Peace
Section 10-302 Insulting Signs; Literature or Language
Section 10-303 Fireworks Regulated
Section 10-304 Storing or Keeping Explosives; Nitroglycerine Prohibited
Section 10-305 Carrying Weapons; Exceptions
Section 10-306 Reckless Conduct
Section 10-307 Discharging Firearms; Exceptions
Section 10-308 Loud Noise or Music Prohibited; Amplified Sound
Section 10-309 Target Shooting Prohibited
Section 10-310 Laser Pointer

CHAPTER 4
OFFENSES AGAINST THE HEALTH, WELFARE AND MORALS

Section 10-401 Public Intoxication and Drinking Prohibited
Section 10-402 Possession; Intoxicating and Nonintoxicating Beverages

Section 10-403 Intoxicating Liquors
Section 10-404 Marijuana Prohibited
Section 10-405 Prostitution
Section 10-406 Disorderly House
Section 10-407 Maintaining or Leasing a Disorderly House
Section 10-408 Residents and Visitors to Disorderly House
Section 10-409 Definitions, Obscenity Regulations
Section 10-410 Prohibited Obscene Conduct
Section 10-411 Vagrancy Defined for Specific Acts, Offenses
Section 10-412 Curfew for Children
Section 10-413 Sleeping in Public
Section 10-414 Begging Prohibited
Section 10-415 Gambling Prohibited
Section 10-416 Being About Place Where Gambling is Going On
Section 10-417 Harmful Deception
Section 10-418 False or Bogus Checks
Section 10-419 Swindling Unlawful
Section 10-420 Electric Fences
Section 10-421 Prevention of Youth Access to Tobacco
Section 10-422 Marijuana

CHAPTER 5
OFFENSES AGAINST PERSONS

Section 10-501 Assault and Battery Prohibited

CHAPTER 6
OFFENSES AGAINST PUBLIC AUTHORITY

Section 10-601 Resisting an Officer
Section 10-602 Refusing or Failing to Assist an Officer
Section 10-603 Assault or Battery Upon Police or Other Law Officer
Section 10-604 Rescuing Prisoners
Section 10-605 Escape of Prisoners
Section 10-606 Impersonating an Officer or Employee
Section 10-607 False Alarms
Section 10-608 False Representation to an Officer
Section 10-609 Removal of Barricades
Section 10-610 Resisting Public Officials

CHAPTER 7
PENALTIES

Section 10-701 General Penalties

CHAPTER 1
OFFENSES IN GENERAL

Section 10-101 **Attempts to Commit an Offense**
Section 10-102 **Aiding in an Offense**

SECTION 10-101 ATTEMPTS TO COMMIT AN OFFENSE

Every person who attempts to commit an offense against the Ordinances of the City, and in such attempt does any act toward the commission of such offense but fails or is prevented or intercepted in the perpetration thereof, is guilty of an offense, and shall be punished in the manner prescribed for the attempted offense itself.

SECTION 10-102 AIDING IN AN OFFENSE

When no punishment for counseling or aiding in the commission of a particular offense is expressly prescribed by Ordinance, every person who counsels or aids another in the commission of such is guilty of an offense, or misdemeanor, and punishable in the same manner as the principal offender.

CHAPTER 2
OFFENSES AGAINST PROPERTY

Section 10-201	**Petit Larceny Prohibited**
Section 10-202	**Injuring Automobiles and Other Vehicles**
Section 10-203	**Destroying or Injuring Buildings and Other Property**
Section 10-204	**Placing Signs on Property of Another**
Section 10-205	**Throwing or Shooting at Persons or Property**
Section 10-206	**Tampering with or Damaging Public Utilities**
Section 10-207	**Unlawful Intrusion Upon Land**
Section 10-208	**Illegal Entrance**
Section 10-209	**Throwing Advertising on Street, Prohibited**
Section 10-210	**Throwing Injurious Substances**
Section 10-211	**Injury to Plants and Trees**
Section 10-212	**Public Streets and Trees**
Section 10-213	**Trespass Prohibited**
Section 10-214	**Parking on Property of Another**
Section 10-215	**Interference with Fire Hydrants**

SECTION 10-201 PETIT LARCENY PROHIBITED

A. Petit larceny is the taking of personal property of value not exceeding Five Hundred Dollars ($500.00) accomplished by fraud or stealth and with intent to deprive another thereof, but it does not include the taking of such property from the "person" of another.

B. Petit larceny is unlawful and any person who commits larceny shall be guilty of a misdemeanor.

State Law Reference: Petit larceny defined, 21 O.S. Sections 1704, 1706.

SECTION 10-202 INJURING AUTOMOBILES AND OTHER VEHICLES

It is unlawful for any person to start, otherwise meddle with, molest, enter, occupy, loiter in, or injure any automobile or other vehicle belonging to another, without the consent of the owner or person in charge thereof.

SECTION 10-203 DESTROYING OR INJURING BUILDINGS AND OTHER PROPERTY

It is unlawful for any person to destroy, injure, deface, besmear, or molest any structure, building, outbuilding, fence, or any other property, real or personal, public or private, belonging to another; or to use any such property wrongfully to the detriment of the owner or other person entitled to its use; or to interfere wrongfully with the use of any such property by its owner or any other person entitled to its use.

SECTION 10-204 PLACING SIGNS ON PROPERTY OF ANOTHER

It is unlawful for any person to place, stick, tack, paste, post, paint, mark, write or print any sign, poster, picture, announcement, advertisement, bill placard, device or inscription upon any public or private building, fence, sidewalk, bridge, viaduct, post, automobile, other vehicle, or other property of another, without the consent of the owner or person in charge thereof.

SECTION 10-205 THROWING OR SHOOTING AT PERSONS OR PROPERTY

It is unlawful for ay person to throw or shoot any stone, shot or other object into or across any street or alley, of in any place where he is likely to hit another person wrongfully or to injure property, or to throw or shoot any stone, shot or other object at any person, vehicle, structure, electric light or other property of another (whether public or private), except in case where such is done in defense of oneself, of another person or of property.

SECTION 10-206 TAMPERING WITH OR DAMAGING PUBLIC UTILITIES

It is unlawful for any person to connect or attach any kind of pipe, wire, or other contrivance to any pipe, line, wire, or other conductor carrying gas, water or electricity and belonging to a public utility (whether publicly or privately owned), in such a manner as to enable him to consume or use the gas, water or electricity without it passing through the meter or any other way so as to evade payment therefore. It is also unlawful for any person to damage, molest, tamper with, or destroy any pipe, line, wire, meter, or other part of any public utility, including any telegraph or telephone system.

SECTION 10-207 UNLAWFUL INTRUSION UPON LAND

It is unlawful for any person to intrude or squat upon any lot or piece of land within the City without a license or authority from the owner thereof, or to erect or occupy thereon any hut, hovel, shanty or other structure without such license or authority, or to place, erect or occupy within the bounds of any street, alley or avenue of the City, any hut, shanty, hovel, or other structure without authority of law or Ordinance.

SECTION 10-208 ILLEGAL ENTRANCE

It is illegal for any person to enter upon the property of another or into an area or structure on such property (whether such property, area or structure is public or private), when such entrance is plainly forbidden by signs or any notice or when the property, area, or structure is enclosed, except when such entrance is in line of duty, or with the expressed, or tacit consent of the owner or person in charge, or otherwise by authority of law or ordinance. It is unlawful for any person to remain on the property of another after having been given notice, written or verbal, to leave by the owner or person in charge.

Cross Reference: See also trespass, Section 10-213 of this Code.

SECTION 10-209 THROWING ADVERTISING ON STREET, PROHIBITED

It is unlawful for any person to throw, leave or deposit, or cause to be thrown, left or deposited, upon any street, alley, sidewalk, or other public area, any handbill, circular, or other advertising matter.

Cross Reference: For provision prohibiting placing signs on property of another without consent, etc., see Section 10-204 of this Code.

SECTION 10-210 THROWING INJURIOUS SUBSTANCES

It is unlawful for any person to purposely or premeditatedly put or throw upon the person or property of another, or upon any animal, any acid, corrosive, or other irritating or harmful substance, or human or animal waste or urine, with intent to injure or harass the person, property or animal.

SECTION 10-211 INJURY TO PLANTS AND TREES

It is unlawful for any person to willfully and without authority cut, pull, pluck or otherwise injure any flowers, flowering plants, shrubs or trees growing in or around any park or public street within the City, or willfully or without authority to tear down, remove, cut or otherwise injure or destroy any gate or fence enclosing any such park or ground, or willfully injure or destroy any stand, bench, seat or other property situated upon such park or ground, any person violating this Section, upon conviction, shall be deemed guilty of an offense.

SECTION 10-212 PUBLIC STREETS AND TREES

It is unlawful for any person to:

1. Willfully or wantonly cut, deface or in any way injure any tree or sapling standing or growing in any of the streets, alleys, or public places within the City;

2. Attach any guy wires, telephone, telegraph, or electric wire, or any wire to any live tree;

3. Dig any hole, ditch or trench in any public street, road, avenue or alley, or any other public premises or ground within, belonging to or under the supervision or control of the City;

4. Take or remove any dirt, earth, or any substance from any street, road, alley, or other public place in the City, or to cut, break or otherwise injure any pavement, curb or gutter therein; or

5. Connect any driveway to any street or other public place without first securing permission from the City inspector so to do.

Any such digging, removing, or driveway connection shall be done under the supervision of the City.

SECTION 10-213 TRESPASS PROHIBITED

A. For the purpose of this Section, the following terms shall be defined as follows:

1. Public property" means that property which is dedicated to public use and over which the federal, state or municipal government or any subdivision thereof exercises control;

2. "Private property" means any property other than public property; and

3. "Trespass" means each and every actual entry upon the premises of an owner or other person in lawful possession of the premises without the express or the implied consent of the owner or other person in lawful possession. Trespass shall also mean remaining upon the premises of an owner or other person in lawful possession after having been told to leave the premises by the owner, or the agent, or employee of the owner, or other person in lawful possession of the premises. Trespass shall also be defined as the act of remaining on private property at any time other than during posted hours of business operation after having been directed to vacate such premises by a Police Officer. The provisions of this Paragraph shall not apply to persons, including employees, whose presence upon such premise is authorized by the owner or by a person in lawful possession of such premises nor shall the provisions of this sentence apply unless hours of business operations are posted upon such premises. Trespass shall also be defined as the act of returning to private property before the posted time of opening for business operation on the next business day after having been directed to vacate such premises under the terms of this Subsection.

B. It is unlawful for any person to trespass on private property.

Cross Reference: For provisions on illegal entrance, see Section 10-208 of this Code.

SECTION 10-214 PARKING ON PROPERTY OF ANOTHER

It is unlawful for any person to park an automobile or other vehicle, or to place any structure or object on the driveway, yard, or property of another without the expressed or tacit consent of the owner or person in charge or by authority of law or Ordinance.

SECTION 10-215 INTERFERENCE WITH FIRE HYDRANTS

A. It is unlawful for any person except one duly authorized by the City utility personnel or a member of the fire department to open, turn on or off, interfere with, attach any pipe or hose to, or connect anything with, any fire hydrant or stop cock belonging to the City.

B. It is unlawful for any person to obstruct access to any fire hydrant by placing around or thereon brick, lumber, dirt, or other things or in any other manner obstructing access to a fire hydrant.

CHAPTER 3
OFFENSES AGAINST THE PUBLIC

Section 10-301	**Disturbing the Peace**
Section 10-302	**Insulting Signs; Literature or Language**
Section 10-303	**Fireworks Regulated**
Section 10-304	**Storing or Keeping Explosives; Nitroglycerine Prohibited**
Section 10-305	**Carrying Weapons; Exceptions**
Section 10-306	**Reckless Conduct**
Section 10-307	**Discharging Firearms; Exceptions**
Section 10-308	**Loud Noise or Music Prohibited; Amplified Sound**
Section 10-309	**Target Shooting Prohibited**
Section 10-310	**Laser Pointers**

SECTION 10-301 DISTURBING THE PEACE

A. It is unlawful to disturb or alarm the peach of another or others by doing any of the acts set out in Subsection B of this Section.

B. Disturbing the peace is the doing of any of the following in such a manner as would foreseeably alarm or disturb the peach of another or others:

1. Using obscene, offensive, abusive, profane, vulgar, threatening, violent or insulting language or conduct;

2. Appearing in an intoxicated condition;

3. Engaging in a fistic encounter;

4. Lewdly exposing one's person, or private parts thereof, in any public place or in any place where there are present other persons to be offended or annoyed thereby;

5. Pointing any pistol or any other deadly weapon whether loaded or not at any other person or persons either in anger or otherwise;

6. Holding an unlawful assembly of two (2) or more persons, including being assembled together and acting in concert, to do any unlawful at against the peace or to the terror of others or preparing for or moving toward such acts, or otherwise assembling unlawfully or riotously;

7. Interrupting any lawful assembly of people by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of assembly or within hearing distance thereof;

8. Making unnecessarily loud, offensive noises;

9. Disturbing any congregation or assembly of persons meeting for religious worship

by making noise, by rude, indecent or improper behavior, by profane, improper or loud language, or in any other manner, either within the place of worship or within hearing distance thereof; or

10. Committing any other act in such a manner as to unreasonably disturb or alarm the public.

SECTION 10-302 INSULTING SIGNS; LITERATURE OR LANGUAGE

A. It is unlawful for any person, firm or corporation within the City to display any sign, emblem, badge, flag or device, which in its common acceptance is insulting, profane, or abusive to the citizens of the City, and which is calculated, or of which the natural consequence is, to cause a breach of the peace or an assault.

B. It is unlawful for any person to willfully use, utter, publish, circulate or distribute any profane, violent, abusive, or insulting language or literature where:

1. A natural consequence of the language or literature is to cause a breach of the peace or an assault; or

2. The language or literature, in its common acceptance, is calculated to cause a breach of the peace or an assault.

SECTION 10-303 FIREWORKS REGULATED

A. For the purpose of this Section, "fireworks" shall have the meaning prescribed by State law, Section 1622 of Title 68 of the Oklahoma Statutes.

B. The use and discharge of fireworks within the Corporate Limits of the City of Shidler is prohibited except on the 4th day of July of each year so long as the fireworks comply with State law. There shall be no fireworks used or discharged in the City of Shidler after 10:00 o'clock p.m. on the 4th day of July of each year. With the exception of model rockets as defined by State law, no rockets, including "bottle rockets" shall be used or discharged within the Corporate Limits of the City of Shidler at any time during the year.

State Law Reference: Bottle rockets prohibited by state law, 68 O.S. Section 1624; State fireworks licenses required, 68 O.S. Sections 1621 et seq.

Cross Reference: Fire Prevention Code, Section 13-101.

SECTION 10-304 STORING OR KEEPING EXPLOSIVES, NITROGLYCERINE PROHIBITED

A. It is unlawful for any person to store or keep within the City any nitroglycerin, dynamite, gunpowder, or any other highly explosive material or substance of any kind without having first complied with the laws of the State and Ordinance of the City for the purpose of selling, storing or keeping such items.

B. No person or persons, partnership or corporation, shall haul or transport or cause to be hauled or transported any nitroglycerine over, across or upon the streets or alleys in the incorporated City.

SECTION 10-305 CARRYING WEAPONS; EXCEPTIONS

It is unlawful for any person to carry concealed upon or about his person any pistol, revolver, dagger, bowie knife, dirk knife, switchblade knife, spring-type knife, metal knuckle, or any other dangerous or deadly weapon or instrument except when doing so in line of duty or as may be permitted by law.

State Law Reference: State Firearms Act, 21 O.S. Sections 1289.1 et seq.

SECTION 10-306 RECKLESS CONDUCT

It is unlawful for any person to engage in reckless conduct while having in his possession any shotgun, rifle or pistol, such actions consisting of creating a situation of unreasonable risk and probability of death or great bodily harm to another and demonstrating a conscious disregard for the safety of another person.

SECTION 10-307 DISCHARGING FIREARMS; EXCEPTIONS

No person shall discharge any species of firearm in the City except when doing so in the line of duty, when lawfully doing so in defense of oneself, of another person, or of property, or when otherwise authorized by law or Ordinance. It is unlawful to discharge an air rifle or BB gun in the City.

Cross Reference: See also Section 10-205 for provisions on throwing or shooting at persons or property.

SECTION 10-308 LOUD NOISE OR MUSIC PROHIBITED; AMPLIFIED SOUND

It is unlawful for any person to disturb the peace and quietude of any part of the City by operating, having operated, or permitting to be operated, any contrivance, whether electric or not, any motor vehicle, or any other device, with or without a loud speaker, in such a manner as to emit loud music, noise or words. However, this Section shall not prohibit religious bodies from playing chimes, bells, carillons or other religious music.

SECTION 10-309 TARGET SHOOTING PROHIBITED

A. It is unlawful for any person to engage in target shooting with firearms whether done alone or in a formal or informal match with others.

B. "Target Shooting" is defined as deliberate aiming and discharging of firearm at or toward a specific object, whether the object be a formal printed target in the form of bulls eye, silhouette, or outline, or an informal object such as can, bottle, rock or other object.

SECTION 10-310 LASER POINTERS

It shall be unlawful for any person to focus, point or shine a laser beam directly or indirectly on another person or animal in such a manner as to harass or annoy said person or animal.

CHAPTER 4
OFFENSES AGAINST THE HEALTH, WELFARE AND MORALS

Section 10-401	**Public Intoxication and Drinking Prohibited**
Section 10-402	**Possession; Intoxicating and Nonintoxicating Beverages**
Section 10-403	**Intoxicating Liquors**
Section 10-404	**Marijuana Prohibited**
Section 10-405	**Prostitution**
Section 10-406	**Disorderly House**
Section 10-407	**Maintaining or Leasing a Disorderly House**
Section 10-408	**Residents and Visitors to Disorderly House**
Section 10-409	**Definitions, Obscenity Regulations**
Section 10-410	**Prohibited Obscene Conduct**
Section 10-411	**Vagrancy Defined for Specific Acts, Offenses**
Section 10-412	**Curfew for Children**
Section 10-413	**Sleeping in Public**
Section 10-414	**Begging Prohibited**
Section 10-415	**Gambling Prohibited**
Section 10-416	**Being About Place Where Gambling is Going On**
Section 10-417	**Harmful Deception**
Section 10-418	**False or Bogus Checks**
Section 10-419	**Swindling Unlawful**
Section 10-420	**Prevention of Youth Access to Tobacco**
Section 10-421	**Electric Fences**
Section 10-422	**Prevention of Youth Access to Tobacco**
Section 10-423	**Marijuana**

SECTION 10-401 PUBLIC INTOXICATION AND DRINKING PROHIBITED

A. It is unlawful for any person to appear or be upon or in any street, alley, or other public place in the City in a state of intoxication. It is unlawful for any person to drink intoxicating or nonintoxicating liquor or beverage, as defined in Section 163.1 of Title 37 of the Oklahoma Statutes, upon or in any street, alley, or other public place within the City. It is unlawful to use, sell or furnish to another any illegal drug or narcotic in any place in the City except as legally prescribed by a physician.

B. For the purposes of this Section, a state of intoxication means the condition in which a person is under the influence of any intoxicating, nonintoxicating, spirituous, vinous or malt liquors, or of any narcotic or drug, to such extent as to deprive the person of his or her full physical or mental power, or in which a person is a danger to himself or others.

SECTION 10-402 POSSESSION; INTOXICATING AND NONINTOXICATING BEVERAGES

A. It is unlawful for any person under the age of twenty-one (21) years to be in possession of any intoxicating or nonintoxicating alcoholic beverage while such person is upon any public street, road or highway or in any public place within the City limits.

B. It is unlawful for any parent or guardian or a person under the age of twenty-one (21) years to permit such person to be in possession of an intoxicating alcoholic beverage.

C. For the purpose of this Section "intoxicating beverage" and "nonintoxicating beverage" shall be as defined in Sections 3-101 and 3-201 et seq. of this Code.

SECTION 10-403 INTOXICATING LIQUORS

It is unlawful:

1. For any person to barter, sell, give away, or otherwise furnish to another any intoxicating or nonintoxicating liquor or beverage of any kind except as permitted by law;

2. To have in possession or under control, any intoxicating or nonintoxicating liquor or beverage except as permitted by law, or to transport or in any manner convey from place to place in the City any intoxicating or nonintoxicating liquor or beverage except as permitted by law;

3. To loiter in a place where intoxicating or nonintoxicating liquor is sold, bartered, given away or otherwise furnished contrary to law; or

4. To keep, maintain, aid or abet in keeping or maintaining a place where intoxicating or nonintoxicating liquor is sold, bartered, given away or otherwise furnished in violation of law.

SECTION 10-404 MARIJUANA PROHIBITED

A. It is unlawful for any person knowingly to:

1. Manufacture, grow, harvest, cultivate, propagate, plant, compound, convert, produce, process, test, pack, repack, store, distribute, dispense or possess with intent to manufacture, distribute or dispense marijuana;

2. Use, have, inject, ingest, inhale, otherwise introduce into the human body or possess marijuana;

3. Use or possess drug paraphernalia or to deliver, possess, or manufacture any such paraphernalia singly or in conjunction with any other person; or

4. Appear or be upon or in any street, alley, place of business or other public place in the City while under the influence of a controlled dangerous substance or marijuana;

B. For the purpose of this Section, "marijuana" shall have the meaning prescribed by Section 2-101 of Title 63 of the Oklahoma Statutes. "Drug paraphernalia" shall have the meaning prescribed by Section 2-101 of Title 63 of the Oklahoma Statues, including the factors to

determine in Section 2-101.0 of Title 63.

C. This Section shall not apply to any marijuana lawfully obtained or authorized by valid prescription order from a licensed physician while acting in the course of his professional practice.

SECTION 10-405 PROSTITUTION

A. It is unlawful for any person to:

1. Be a prostitute;

2. Solicit, entice, or procure another to commit or engage in any act of prostitution;

3. Engage in any act of prostitution;

4. Knowingly let premises for purposes of prostitution;

5. Conduct a business or premises for prostitution; or

6. Be a party to an act of prostitution or solicitation of prostitution in the limits of City.

B. For the purposes of this Section:

1. Prostitution is the giving of the body for sexual intercourse or sodomy for hire or Money;

2. Soliciting for prostitutes is the soliciting, inviting, inducing, directing, or transporting of a person to any place with the intention of promoting prostitution; and,

3. Letting premises for prostitution is the granting of the right of use or the leasing of any premises, knowing that they are to be used for the practice of prostitution, or allowing the continued use of the premises with that knowledge.

SECTION 10-406 DISORDERLY HOUSE

A disorderly house means any structure or vehicle by which the peace, comfort, health, welfare or decency of the public is disturbed by reason of the people therein committing or resorting to any of the following acts:

1. The sale, distribution, possession or use of any controlled dangerous substance, the sale, distribution, possession or use of which is declared unlawful by State statute;

2. The violation of any of the Ordinances of this City or statutes of this state regulating the sale, distribution, possession or use of alcoholic beverages including beer containing more than one-half of one percent (.5%) alcohol by volume;

3. The performance of any sexual act declared unlawful by State statute or City Ordinance including, but not limited to, soliciting for purposes of prostitution; or

4. The violation of any state statute or City Ordinance prohibiting gambling.

SECTION 10-407 MAINTAINING OR LEASING A DISORDERLY HOUSE

A. No person shall keep or maintain, or aid, abet or assist in keeping and maintaining a disorderly house.

B. No owner, lessee, lessor, or other person, partnership or corporation having control over any house, building, structure, tent, vehicle, mobile home, or recreational vehicle shall knowingly use, lease, sub-lease or otherwise permit the use of same for the purpose of keeping therein any disorderly house, and knowing or ascertaining that such house, building, structure, tent, vehicle, mobile home, or ascertaining that such house, building, structure, tent, vehicle, mobile home, or recreational vehicle is so occupied as a disorderly house, no persons, partnership or corporation shall continue to grant permissions to so use such premises as a disorderly house.

SECTION 10-408 RESIDENTS AND VISITORS TO DISORDERLY HOUSE

It is unlawful for any person to:

1. Appear in any public place in the City in a state of nudity;

2. Appear in any public place in the City in any offensive, indecent or lewd dress; or

3. Make an indecent public exposure of his or her person.

SECTION 10-409 DEFINITIONS; OBSCENITY REGULATIONS

The following terms when used in the Chapter shall have the meaning respectively ascribed to them in this Section:

1. "Obscene" means that to the average person applying contemporary community standards:

   a. The predominant appeal of the matter taken as a whole, is to prurient interest; i.e., shameful or morbid interest in sexual conduct, nudity, or excretion;

   b. The matter depicts or describes in a patently offensive manner sexual conduct regulated by Title 21 of the Oklahoma Statutes; and,

   c. The work, taken as a whole, lacks serious literary, artistic, political or scientific value;

2. "Material" means any book, magazine, newspaper or other printed or written

material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statue or other figure, or any recording, transcription or mechanical, chemical, or electrical reproduction or any other articles, equipment or machines;

3. "Person" means any individual, partnership, firm, association, corporation, or other legal entity;

4. "Disseminate" means to transfer possession of, with or without consideration;

5. "Knowingly" means being aware of the character and the content of the material;

6. "Nudity" means the showing of the human male or female genitals or pubic area with less than a fully opaque covering, or the depiction of covered male genitals in a discernible turgid state;

7. "Performance" means any preview, play, show, skit, film, dance, or other exhibition performed before an audience;

8. "Available to the public" means that the matter or performance may be purchased or attended on a subscription basis, on a membership fee arrangement, or for a separate fee for each item or performance;

9. "Service to patrons" means the provision of services to paying guests in establishments providing food and beverages; including, but not limited to, hostessing, hat checking, cooking, bar tending, serving, table setting and clearing, waiter, waitressing, and entertaining; and

10. "Promote" means to cause, permit, procure, counsel or assist.

SECTION 10-410 PROHITIBTED OBSCENE CONDUCT

A. It is unlawful for any person to:

1. Knowingly disseminate, sell, offer for sale, publish, display, distribute, make available to the public or buy any obscene material;

2. Knowingly engage in commerce for commercial gain with materials depicting and describing explicit sexual conduct, nudity, or exhibition utilizing displays, circulars, advertisements and other public sales efforts that promote such commerce primarily on the basis of their prurient appeal;

3. Knowingly engage or participate in any obscene performance made available to the public; or

4. Provide service to patrons in such a manner as to expose to public view:

a. His or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair

region;

b. Any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;

c. Any portion of the female breast at or below the areola thereof; or,

d. Knowingly promote the commission of any of the above listed unlawful acts.

B. Each complete or partial display or other material exhibition of any motion picture film or other material shall be deemed to constitute a separate offense. The provision of Sections 10-410 and 10-411 shall not apply to a projectionist, assistant projectionist, usher or cashier provided such person has no financial interest in the motion picture theatre so long as that person is not acting as director or manager of the theatre.

SECTION 10-411 VAGRANCY DEFINED FOR SPECIFIC ACTS, OFFENSES

It is unlawful to be a vagrant in the limits of the City. For the purposes of this Section, a vagrant means any person who loiters or remains in or wanders about, a public or private place for any of the following purposes:

1. For the purpose of gambling with cards, dice or other gambling paraphernalia;

2. For the purpose of engaging in prostitution or soliciting prostitution or soliciting for an act of lewdness;

3. For the purpose of engaging in theft, or breaking and entering any building, property or automobile of another;

4. For the purpose of injuring, destroying, molesting or defacing any property of another;

5. For the purpose of assaulting any person;

6. For the purpose of begging or soliciting alms, provided that this Section shall not apply to persons soliciting alms for bona fide religious, charitable or eleemosynary organizations with the authorization of such organizations; or

7. For the purpose of selling, purchasing, trading or otherwise exchanging, procuring or making available illegal drugs or contraband.

SECTION 10-412 CURFEW FOR CHILDREN

A. For the purpose of this Chapter, the following terms, phrases, words, and their derivations shall have the meaning given in this Section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the

singular number, and words in the singular number the plural number. The word "shall" is always mandatory and not merely directory.

1. "Custodian" means any person over the age of eighteen (18) who is in loco parentis to a juvenile;

2. "Guardian" means any person other than a parent, who has legal guardianship of a minor;

3. "Minor" means any person under the age of eighteen (18) years;

4. "Parent" means the natural or adoptive parent of a minor; and,

5. "Public place" means any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose. A public place shall include, but not be limited to, any store, shop, restaurant, tavern, café, drugstore, poolroom, amusement center, and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above.

B. It is unlawful for any minor sixteen (16) years of age or younger to remain in any public place either on foot or to cruise about without a set destination in any vehicle in, about or upon any place in the City between the hours of 10:00 P.M. and 6:00 A.M., Monday through Sunday, unless accompanied by a parent, guardian, custodian or other adult person having custody or control of such minor or unless the minor is on an emergency errand or specific business or activity directed or permitted by his parent, guardian or other adult person having the care and custody of the minor or where the presence by some legitimate employment, trade, profession or occupation. (Amended Ord. No. 08-7-1, 04-03-2012)

C. It is unlawful for any minor seventeen (17) years of age to remain in any public place either on foot or to cruise about without a set destination in any vehicle in, about or upon any place in the City between the hours of 11:00 P.M. and 6:00 A.M., Sunday through Thursday, and between the hours of 12:00 A.M. and 6:00 A.M., Friday and Saturday, unless accompanied by a parent, guardian, custodian or other adult person having custody or control of such minor or unless the minor is on an emergency errand or specific business or activity directed or permitted by his parent, guardian or other adult person having the care and custody of the minor or where the presence by some legitimate employment, trade, profession or occupation. (Amended Ord. No. 08-7-1, 04-03-2012)

D. It is unlawful for any person, firm or corporation operating a business or having charge of any minors age (16) years of age or younger between the hours of 10:00 P.M. and 6:00 A.M., Monday through Sunday, and any minors age seventeen (17) between the hours of 11:00 P.M. and 6:00 A.M. Sunday through Thursday, and between the hours of 12:00 A.M. and 6:00 A.M., Friday and Saturday, to allow minors on their premises in violation of Subsections B and C of this Section or to be in violation of Subsections B and C of this Section while under their charge. (Amended Ord. No. 08-7-1, 04-03-2012)

E. Any minor attending a special function or entertainment of any church, school, club, or

other organization that requires such minor to be out at a later hour than that called for in Subsection B of this Section shall be exempt from the provisions of Subsection B of this Section provided the church, school, club or other organization registers in advance with the Chief of Police or his designate to have the minor stay out to this later hour. The registrant shall state the time the function or entertainment will end, and the minors who attend the function shall be required to be in their homes or usual places of abode within one-half hour after the function is ended.

F. Any Police Officer upon finding a minor in violation of Subsection B of this Section shall ascertain the name and address of such minor and warn the minor that he is in violation of curfew and shall direct the minor to proceed at once to his or her home or usual place of abode. The Police Officer shall report such action to the juvenile officer of the Police Department, who in turn shall notify the parents, guardian, or person having custody or control of such minor. If such minor refuses to heed such warning or direction by any Police Officer or refuses to give such Police Officer his correct name and address, or if the minor has been warned on a previous occasion that he or she is in violation of curfew, he or she shall be taken to the Police Department and the parent, guardian or other adult person having the care and custody of such minor shall be notified to come and take charge of the minor. If the parent, guardian or other adult person above cannot be located or fails to come and take charge of the minor, the minor shall be released to the juvenile authorities.

G. The following are penalties for violation of this Section:

1. Any minor sixteen (16) years of age or older violating the provisions of this Section shall be fined Fifty Dollars ($50.00) including Court costs for each offense, or may be dealt with in accordance with the Juvenile Court law and procedure;

2. Any minor below the age of sixteen (16) years violating the provisions of this Section shall be dealt with in accordance with the Juvenile Court law and procedure;

3. Any parent, guardian or other adult person having the care and custody of a minor violating this Section shall, after having been previously notified under Subsection D of this Section, be fined not more than One Hundred Dollars ($100.00) including Court costs for each offense; or

4. Any owner of a public place violating the provisions of Subsection C of this Section shall be fined not more than Fifty Dollars ($50.00) including Court costs, for each offense.

SECTION 10-413 SLEEPING IN PUBLIC

It is unlawful for any person, between the hours of 12:00 A.M. midnight and 6:00 A.M., to sleep on any street, in any other public place, or on any property of another without the express or tacit consent of the owner or person in charge of such place.

SECTION 10-414 BEGGING PROHIBITED

It is unlawful for any person to beg alms for any person, organization or agency except an organization or agency, public or private, whose purpose or one of whose purposes is to aid persons in need.

SECTION 10-415 GAMBLING PROHIBITED

A. It is unlawful for any person, firm or corporation, or agent or employee thereof, to do any of the following:

1. To play, to open or cause to be opened, or to operate, carry on or conduct, whether for hire or not, any game of faro, monte, poker, roulette, craps, any banking, percentage or other game played with dice, cards, or any device, for money, checks, chips, credit or any other thing of value;

2. To set up, operate or permit to be operated, any slot machine or other device whatsoever where money, checks, chips, credit or any other things of value are played when the act of playing the same might result in a gain or loss to the party playing;

3. To gamble knowingly in any other manner; or

4. To knowingly permit his or its premises, houses, lot or other property to be used in connection with, or for, any act declared unlawful in this Section.

B. It is unlawful and an offense against the City for any person to play any roulette wheel or slot machine or any other device or machine wherein the element of chance is involved by losing or winning money, credits, checks or any other representatives of value.

SECTION 10-416 BEING ABOUT PLACE WHERE GAMBLING IS GOING ON

It is unlawful for any person to be about in the immediate vicinity where a person or persons are gambling, whether by playing games, operating a slot machine or other device, or otherwise.

SECTION 10-417 HARMFUL DECEPTION

It is unlawful for any person knowingly to deceive another, whether by impersonation, misrepresentation, or otherwise, when such deception results in or contributes to the loss, damage, harm or injury of the person deceived or of a third party or results in or contributes to the benefit of the deceiver.

SECTION 10-418 FALSE OR BOGUS CHECKS

It is unlawful for any person, with intent to cheat and defraud, to obtain or attempt to obtain from any person, firm or corporation, any money, property or valuable thing of the value of Fifty Dollars ($50.00) or less by means of any false or bogus check or by any other written or printed or engraved instrument or spurious coin. The term "false or bogus check" shall include checks or orders given

for money or property which are not honored on account of insufficient funds of the maker to pay same, as against the maker or drawer thereof. The making, drawing, issuing or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and the knowledge of insufficient funds in or credit with, such bank or other depository. Such maker or drawer shall not have paid the drawee the amount due thereon, together with the protest fees, and the check or order shall be presented for payment within thirty (30) days after same is delivered and accepted.

SECTION 10-419 SWINDLING UNLAWFUL

It is unlawful to get money or property from any other person or persons or businesses under false pretenses, deception, cheating or by another fraudulent act.

SECTION 10-420 ELECTRIC FENCES

No person shall charge with electricity or electric current, or cause the same to be done, any fence within the City, with the exception of pulse charges that change the current to DC and use a separate wire not directly connected to the fence, and where the fence is marked with signs indicating that the fence is electric on each side of the lot. (Ord. 00-11-1; November 7, 2000)

SECTION 10-421 PREVENTION OF YOUTH ACCESS TO TOBACCO

A. Definitions:

1. "Person" means any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed;

2. "Proof of age" means a drivers license, license for identification only, or other generally accepted means of identification that describes the individual as twenty-one (21) years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid;

3. "Sample" means a tobacco product or vapor product distributed to members of the public at no cost for the purpose of promoting the product;

4. "Sampling" means the distribution of samples to members of the public in a public place;

5. "Tobacco product" means any bidis, cigars, cheroots, stogies, smoking tobacco and chewing tobacco, however prepared. Tobacco products shall include any other articles or products made of tobacco or any substitute thereof;

6. "Chewing tobacco" means any Cavendish, twist, plug, scrap, and any other kinds and forms of tobacco suitable for chewing;

7. "Educational facility" means any property, building, permanent structure, facility, auditorium, stadium, arena or recreational facility leased or under the control of a

public school located district or private school located in the City.

8. "School vehicle" means any transportation equipment or auxiliary transportation equipment as defined in Section 9-104 of Title 70 of the Oklahoma statutes;

9. "Smoking tobacco" shall mean any granulated, plug cut, crimp cut, ready rubbed, and any other kinds and forms of tobacco suitable for smoking in a pipe or cigarette; and

10. "Deliver" means the means or intent to transfer from one person to another.

11. "Distribute" means the means to deliver.

12. "Vapor product" means noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. "Vapor products" shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device an any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo or electronic device. "Vapor products" do not include any products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

B. Unlawful Sales of Tobacco Products or Vapor Products

1. It is unlawful for any person to sell or furnish in any manner any tobacco product or vapor product to another person who is under twenty-one (21) years of age, or to purchase in any manner a tobacco product or vapor product on behalf of any such person. Provided, however, that it shall not be unlawful for an employee under twenty-one (21) years of age to handle such products when required in the performance of the employee's duties.

2. A person engaged in the sale or distribution of tobacco products or vapor products shall demand proof of age from a prospective purchaser or recipient if any ordinary person would conclude on the basis of appearance that the prospective purchaser may be under twenty-one (21) years of age.

3. When a person violates Subsections 1 or 2 of this Section, the Municipal Judge shall assess such person fines of One Hundred Dollars ($100.00) for the first offense and Two Hundred Dollars ($200.00) for each subsequent offense.

4. If the sale is made by an employee of the owner of a store at which tobacco products or vapor products are sold at retail, the employee shall be guilty of the violation and shall be subject to the fine.

5. For purposes of determining the liability of a person controlling franchises or

business operations in multiple locations for any violation of Subsection 1 or 2 of this Section, each individual franchise or business location shall be deemed a separate entity.

(State Law Reference: *63 O.S. 1-229.13(A) and 63 O.S. 1-226(A)*)

C. Possession/Use of False Identification Prohibited.

1. It is unlawful for a person who is under twenty-one (21) years of age to purchase, accept receipt of or have in their possession a tobacco product or vapor products, or to present or offer to any person any purported proof of age which is false, fraudulent, or not actually his or her own, for the purpose of purchasing or receiving any tobacco product or vapor product. Provided, however, that it shall not be unlawful for such a person to handle such tobacco product or vapor product when required in the performance of such person's duties.

2. When a person violates Subsection 1 of this Section, the Municipal Judge shall assess such person a fine of One Hundred Dollars ($100.00) for a first offense within a one (1) year period, and a fine of Two Hundred Dollars ($200.00) for each subsequent offense.

(State Law Reference: *10A O.S. 2-8-244(A)*)

D. Prohibited Distribution of Tobacco Product or Vapor Product

1. It shall be unlawful for any person to distribute tobacco product or vapor product samples to any person under twenty-one (21) years of age.

2. Notwithstanding Subsection 1 of this Section, no person shall distribute tobacco product or vapor product samples in or on any public street, sidewalk, or park that is within three hundred (300) feet of any playground, school, or other facility when the facility is being used primarily by persons under twenty-one (21) years of age.

3. When a person violates Subsections 1 or 2 of this Section, the Municipal Judge shall assess such person a fine of One Hundred Dollars ($100.00) for a first offense and a fine of Two Hundred Dollars ($200.00) for each subsequent offense.

(State Law Reference: *63 O.S. 1-229.18(A)(B)*)

E. Sale of Cigarettes in Sealed Packages.

1. It is unlawful for any person to sell cigarettes except in the original, sealed package in which they were placed by the manufacturer.

2. When a person violates Subsection 1 of this Section, the Municipal Judge shall assess such person a fine of Two Hundred Dollars ($200.00) for each offense.

(State Law Reference: *63 O.S. 1-229.19(A)(B)*)

F. Tobacco Products or Vapor Products at Education Facilities

1. The use of a tobacco product or vapor product shall be prohibited in or on an educational facility that offers an early childhood education program or in which children in grades kindergarten through twelve are educated. The use of a tobacco product or a vapor product shall also be prohibited in school vehicles, and at any school-sponsored or school sanctioned event or activity.

2. Nothing in this section shall be construed to prohibit a public school district or private school from having more restrictive policies regarding tobacco products and vapor products in or on an education facility, in school vehicles and at any school-sponsored or school-sanctioned event or activity.

(State Law Reference: *70 O.S. 1210.213(A)*)

G. Vending Machine Sales Restricted.

It shall be unlawful for any person to sell tobacco products or vapor products through a vending machine unless the vending machine is located:

1. In areas of factories, businesses, offices, or other places that are not open to the public; and

2. In places that are open to the public, but to which persons under twenty-one (21) years of age are not admitted.

(State Law Reference: *63 O.S. 1-229.17*)

H. Display or Sale of Tobacco or Vapor Products

1. It is unlawful for any person or retail store to display or offer for sale tobacco products or vapor products in any manner that allows public access to the tobacco products or vapor products without the assistance from the person displaying the tobacco products or vapor products or an employee or the owner of the store. The provisions of this subsection shall not apply to retail stores which do not admin into the store persons under twenty-one (21) years of age.

2. When a person violates subsection 1 of this section, the Alcoholic Beverage Law Enforcement (ABLE) Commission shall impose an administrative fine or not more than Two Hundred Dollars ($200.00) for each offense.

3. Cities and towns may enact and municipal officers may enforce ordinances prohibiting and penalizing conduct under the provisions of this section, but the provision of municipal ordinances shall be the same as provided for in this section, and the penalty provisions under such ordinances shall not be more stringent than those of this section.

(State Law Reference: *63 O.S. 1-229.21*)

SECTION 10-422 MARIJUANA

A. **Adoption of State Statutes and Rules**. The City of Shidler hereby adopts by reference all regulations now contained or hereafter contained in Title 63, Sections 420A through 426, inclusive, of the Oklahoma Statutes, concerning Medical Marijuana, and any amendments thereto. Further, the City of Shidler hereby adopts by reference the final rules for the Oklahoma Medical Marijuana Control Program now contained or hereafter contained in Title 310, Chapter 681 of the Oklahoma Administrative Code, and any amendments thereto.

B. **Cultivation of Marijuana for Personal Medical Use.** A person in possession of a State issued medical marijuana patient license or caregiver license shall be able to legally possess marijuana on their person and in their legally zoned and occupied full-time permanent private residence, and cultivate marijuana for personal medical use, in quantities as allowed by applicable Oklahoma Statutes and Rules. The following regulations shall apply to the cultivation of medical marijuana for personal use as an accessory use within the City of Shidler:

1. All homegrown medical marijuana plants shall be grown in such a manner to be accessible only to the patient or caregiver.

2. If grown outdoors, plants shall be enclosed on all sides by an opaque fence or wall with a minimum height of six (6) feet and shall be secured at all times with a commercial quality lock and key that is accessible only to the patient or caregiver.

3. No marijuana plants, whether grown indoors or outdoors, shall be visible from any street or public right-of-way.

4. All indoor or outdoor areas used for medical marihuana growth shall comply with all applicable Codes as adopted by the City of Shidler.

5. The primary use of the residential property in which marijuana is grown for personal medical use shall remain at all times a residence, with legal and functioning cooking, eating, sleeping and sanitation/bathing facilities with proper ingress and egress.

C. **Restriction on Smoking of Medical Marijuana Products.** Smoking of medical marijuana products shall be restricted as set forth in Title 63 of the Oklahoma Statutes, Section 1-1521 et. seq., commonly referred to as the "Smoking in Public Places and Indoor Workplaces Act".

D. **Public Intoxication Prohibited.** Any person who shall be under the influence of medical marijuana or any other medical marijuana product at a level that presents a danger to others or creates a disturbance of the peace in or upon any public or private road, in any vehicle, any public place or building, at any public gathering, place accessible to the public or open to being viewed by others, shall be guilty of an offense.

E. **Medical Marijuana Waste Disposal.** All medical marijuana waste shall be stored, managed, and disposed of in accordance with all applicable local and State Statutes and rules.

F. **Non-Medical Marijuana.** The possession, use, cultivation, distribution, or transportation, including growing, manufacturing, extracting, or delivering of any marijuana or marijuana derived product in any form by any person or establishment, unless otherwise licensed by the City of Shidler and the State of Oklahoma for medical purposes and verified by possession of a State issued medical marijuana license, shall be illegal within the City of Shidler and regulated pursuant to the Uniform Controlled Dangerous Substances Act of the State of Oklahoma, hereby adopted by reference.

G. **Possession of Drug Paraphernalia.** Except as otherwise provided by the Uniform Controlled Dangerous Substances Act of the State of Oklahoma and Title 63, Sections 420A through 426, inclusive, of the Oklahoma Statutes, concerning Medical Marijuana, it shall be unlawful for any person to possess drug paraphernalia.

H. **City Property.** Smoking or using marijuana shall be prohibited on all City property including vehicles, buildings, parks or other facilities.

I. **Marijuana Clubs.** Marijuana Clubs are not allowed, as provided below, to wit:

1. It is unlawful for any person to conduct or maintain a marijuana club by himself or herself or by associating with others, or in any manner aid, assist, or abet in conducting or maintaining a marijuana club.

2. It is unlawful for any person to conduct or maintain a public place where marijuana is held or stored, except as provided for a licensee under State law, or where consumption of marijuana is permitted.

3. Any person who violates this Section is guilty of a misdemeanor felony punishable by a fine of Five Hundred Dollars ($500.00).

4. The following definitions apply throughout this Section unless the context clearly requires otherwise:

   a. "Marijuana club" means a club, association, or other business, for profit or otherwise, that conducts or maintains a premise for the primary or incidental purpose of providing a location where members or other persons may keep or consume marijuana.

   b. "Public place" means any place to which admission is charged or for which any pecuniary gain is realized by the owner or operator of such place.

SECTION 10-501 ASSAULT AND BATTERY PROHIBITED

A. An assault is any intentional, willful, or unlawful attempt or offer with force or violence to do a corporal hurt to another.

B. A battery is any intentional, willful or unlawful use of force or violence upon the person of another, or by making any physical contact with another without consent.

C. It is unlawful to commit an assault or an assault and battery within the jurisdiction of the City. Any person committing an assault or an assault and battery within the jurisdiction of the City, shall be guilty of an offense.

CHAPTER 6
OFFENSES AGAINST PUBLIC AUTHORITY

Section 10-601	**Assault and Battery Prohibited**
Section 10-602	**Refusing or Failing to Assist an Officer**
Section 10-603	**Assault or Battery upon Police or other Law Officer**
Section 10-604	**Rescuing Prisoners**
Section 10-605	**Escape of Prisoners**
Section 10-606	**Impersonating an Officer or Employee**
Section 10-607	**False Alarms**
Section 10-608	**False Representation to an Officer**
Section 10-609	**Removal of Barricades**
Section 10-610	**Resisting Public Officials**

SECTION 10-601 RESISTING AN OFFICER

A. It is unlawful to resist, oppose or assault, or in any way interfere with a Police Officer or any person duly authorized to act as such, while the officer or person is discharging or attempting to discharge his official duties within the limits of the City.

B. It is unlawful for any person to warn or signal another so as to assist such other person to flee, escape or evade an officer seeking to make an arrest or for any person to bar or lock any door or barrier in the face of or in front of an approaching officer.

C. Resisting an officer is the intentional opposition or resistance to, or obstruction of, an individual acting in his official capacity, and authorized by law to make a lawful arrest or seizure of property, or to serve any lawful process or court order, when the offender knows or has reason to know that the person arresting, seizing property, or serving process is acting in his official capacity.

D. The words "obstruction of" shall, in addition to their common meaning, include:

1. Flight by one sought to be arrested before the arresting officer can restrain him and after notice is given that he is under arrest;

2. Any violence toward or any resistance or opposition to the arresting Officer after the arrested party is actually placed under arrest and before he is under arrest; or

3. Refusal by the arrested party to give his name and make his identity known to the arresting Officer.

SECTION 10-602 REFUSING OR FAILING TO ASSIST AN OFFICER

A. An officer of the City making or about to make an arrest or executing or about to execute a warrant or other process, in accordance with the Ordinances of the City or with state or federal law, or suppressing or about to suppress a riot, affray or unlawful assembly, may call upon person or persons to assist him in making such arrest, executing such process or

suppressing such riot, affray or unlawful assembly.

B. It is unlawful for any person lawfully called upon thus to assist an Officer of the City to refuse or fail to do so.

SECTION 10-603 ASSAULT OR BATTERY UPON POLICE OR OTHER LAW OFFICER

It is unlawful for any person to knowingly commit any assault, battery or assault and battery upon the person of a Police Officer or other Officer of the law while in the performance of his duty.

SECTION 10-604 RESCUING PRISONERS

It is unlawful for any person, in any illegal manner, to set at liberty, rescue or attempt to set at liberty, any prisoner or prisoners, from any officer or employee of the City having legal custody of the same or from the City Jail or other place of confinement by the City, or to assist such prisoner in any manner to escape from such prison or custody either before or after conviction, including escape from a vehicle of confinement.

SECTION 10-605 ESCAPE OF PRISONERS

It is unlawful for any person confined in the City Jail or other place of confinement by the City or working upon the streets or other public places of the City in pursuance of any judgment, or otherwise held in legal custody by authority of the City, to escape or attempt to escape from any such jail, prison or custody.

SECTION 10-606 IMPERSONATING AN OFFICER OR EMPLOYEE

It is unlawful for any person to impersonate any Officer or employee of the City, falsely represent himself to be an Officer or employee of the City, or exercise or attempt to exercise any of the duties, functions or powers of an officer or employee of the City without being duly authorized to do so.

SECTION 10-607 FALSE ALARMS

It is unlawful for any person to turn in a false alarm of any nature or in any manner to deceive or attempt to deceive the Fire Department or Police Department or any officer or employee thereof with reference to any fire alarm or reported fire, accident or other emergency or knowingly to cause the Fire Department or Police Department or its Officers or employees to make a useless run.

SECTION 10-608 FALSE REPRESENTATION TO AN OFFICER

It is unlawful for any person, firm or corporation, or any agent or employee thereof, knowingly to make any material misrepresentation to any Officer, employee or agency of the City government in any official application to, or official dealing or negotiation with, such officer or agency; or to commit perjury before any tribunal or Officer of the City.

SECTION 10-609 REMOVAL OF BARRICADES

It is unlawful for any person except by proper authority to remove any barricade or obstruction placed by authority of the City to keep traffic off any pavement, street, curb, sidewalk or other area.

SECTION 10-610 RESISTING PUBLIC OFFICIALS

It is unlawful for any person knowingly or willfully to:

1. Resist, oppose or obstruct the Chief of Police, any other Police Officer, the Municipal Judge, or any other officer or employee of the City in the discharge of his official duties;

2. Threaten or otherwise intimidate or attempt to intimidate any such Officer or employee from the discharge of his official duties; or

3. Assault or beat, or revile, abuse, be disrespectful to, use abusive or indecent language toward or about, any such officer or employee while such officer or employee is in the discharge of his official duties.

SECTION 10-701 GENERAL PENALTIES

Any violation of the provisions of this Part is punishable as provided in Section 1-108 of this Code.

PART 11
PARKS, RECREATION AND CULTURAL AFFAIRS

CHAPTER 1
LIBRARY

Section 11-101	Library
Section 11-102	Library Board, Board of Directors
Section 11-103	Term of Office
Section 11-104	Directors, Removal
Section 11-105	Board, Vacancies
Section 11-106	Organization, Powers and Duties of Board
Section 11-107	Rules and Regulations
Section 11-108	Annual Report of Board
Section 11-109	Trustees of Donations
Section 11-110	Violations
Section 11-111	Protection of Library

CHAPTER 2
CEMETERY

Section 11-201	Creation of Cemetery Board
Section 11-202	Functions of Board
Section 11-203	Compensation
Section 11-204	Care Fund Established
Section 11-205	Appropriation of Income to Fund
Section 11-206	Price of Lots
Section 11-207	Interment Fee
Section 11-208	Fee for Setting Monument or Marker
Section 11-209	Coping, Walk or Wall not to be Installed
Section 11-210	Sale and Conveyance of Lots
Section 11-211	Payment before Interment
Section 11-212	Clerk to Issue Burial Permits
Section 11-213	Record of Lot Sales
Section 11-214	Employment of Sexton
Section 11-215	Erection of Monuments, Improvements and Embellishments
Section 11-216	Driving Automobiles or Vehicles in Cemetery
Section 11-217	Grave Lot Price, Opening and Closing Fees
Section 11-218	Removal of Wreaths
Section 11-219	Party Making Installations and Erections Assume Risk
Section 11-220	Damage to Installations or Erections at Cemetery
Section 11-221	Penalty

CHAPTER 3
LAKES

Section 11-301	Rules and Regulations

Section 11-302 Penalty

CHAPTER 4
PARK REGULATIONS

Section 11-401 Park Regulations

CHAPTER 1
LIBRARY

Section 11-101	**Library**
Section 11-102	**Library Board, Board of Directors**
Section 11-103	**Term of Office**
Section 11-104	**Directors, Removal**
Section 11-105	**Board, Vacancies**
Section 11-106	**Organization, Powers and Duties of Board**
Section 11-107	**Rules and Regulations**
Section 11-108	**Annual Report of Board**
Section 11-109	**Trustees of Donations**
Section 11-110	**Violations**
Section 11-111	**Protection of Library**

SECTION 10-101 LIBRARY

There is hereby created a Public Library with Reading Rooms for the use and benefit of the citizens of the City.

State Law Reference: Municipal libraries, boards, compositions, duties, Okla. Stat. Ann. tit. 11, Sections 31-101, et seq.

SECTION 11-102 LIBRARY BOARD, BOARD OF DIRECTORS

There is hereby created a Board of Directors for the government and control of the Public Library to consist of five (5) members chosen from the citizens of Shidler by the Mayor with the consent of the City Council. Each of the Directors shall serve without compensation.

SECTION 11-103 TERM OF OFFICE

The Directors shall hold office for a period of three (3) years; provided that only two (2) Directors' terms of office shall regularly expire each year, and the Mayor shall, before the 1st day of May in each year, appoint as set out in the next preceding Section, two (2) Directors, to take the place of the retiring Directors.

SECTION 11-104 DIRECTORS, REMOVAL

The Mayor may, by and with the consent of the Council, remove any Directors for misconduct or neglect of duty.

SECTION 11-105 BOARD, VACANCIES

Vacancies in the Board of Directors occasioned by removals, resignations or otherwise shall be reported to the City Council and be filled in like manner as original appointments.

SECTION 11-106 ORGANIZATION, POWERS AND DUTIES OF BOARD

The Directors shall immediately after appointment, meet and organize by the election of one (1) of their number as President, and by the election of such other officers as they may deem necessary. They shall make and adopt such bylaws, rules and regulations for their own guidance and for the government of the Library and Reading Rooms, or either of them as may be expedient, not inconsistent with this Chapter. They shall have such powers as may be granted by State law, subject to the supervision of the City Council. All monies received for such Library shall be deposited in the Treasury of the City to the credit of the Library Fund and shall be kept separate and apart from other money of the City and shall be paid out only upon properly authenticated vouchers.

SECTION 11-107 RULES AND REGULATIONS

The Library or Reading Room established under this Chapter shall always be subject to such reasonable rules and regulations as the Library Board may adopt, as approved by the City Council, in order to render the use of the Library and Reading Room, or either of them, of the greatest benefit to the greatest number. The Board may exclude from the use of the Library and Reading Room any and all persons who shall willfully violate such rules.

SECTION 11-108 ANNUAL REPORT OF BOARD

The Board of Directors shall make on or before the first day of April in each year an annual report to the City Council, stating the conditions of their trust on the first day of March of the year; the various sums of money received from the Library Fund and other sources, and how much monies have been expended and for what purposes; the number of books and periodicals on hand; the number added by purchase, gift or otherwise during the year; the number of lost or missing; the number of persons attending, the number of books loaned out; and the general character and kind of such books with such other statistics, information and suggestions as they may deem of general interest.

SECTION 11-109 TRUSTEES OF DONATIONS

Any person desiring to make donations of money, personal property or real estate, for the benefits of such Library or for the establishment, maintenance or endowment of public lectures in connection with such Library upon any subject designated by the donor in the field of literature, science, and the arts (except that lectures in the interest of any political party, politics or sectarian religion are expressly prohibited) shall have the right to vest the title to the money, personal property or real estate so donated to the Board of Directors, to be held and controlled by such Board when accepted according to the terms of the deed, gift, devise or bequest of such property; and as to such property, the Board shall be held and considered to be a special trustee.

SECTION 11-110 VIOLATIONS

Any person who shall willfully violate any rules and regulations, regularly adopted by the Board of Directors for government, care and use of the Library or Reading Room, or both, shall be deemed guilty of an offense and punished accordingly.

SECTION 11-111 PROTECTION OF LIBRARY

Any person who shall destroy or deface any book, periodical or other property of the Library, or who shall fail to return any such book, periodical or other property at such time as the same should have been returned and shall fail to comply with the regulations of the Board of Directors, thereto, shall be guilty of an offense and punished accordingly.

CHAPTER 2
CEMETERY

Section 11-201	**Creation of Cemetery Board**
Section 11-202	**Functions of Board**
Section 11-203	**Compensation**
Section 11-204	**Care Fund Established**
Section 11-205	**Appropriation of Income to Fund**
Section 11-206	**Price of Lots**
Section 11-207	**Interment Fee**
Section 11-208	**Fee for Setting Monument or Marker**
Section 11-209	**Coping, Walk or Wall Not to be Installed**
Section 11-210	**Sale and Conveyance of Lots**
Section 11-211	**Payment Before Internment**
Section 11-212	**Clerk to Issue Burial Permits**
Section 11-213	**Record of Lot Sales**
Section 11-214	**Employment of Sexton**
Section 11-215	**Erection of Monuments, Improvements and Embellishments**
Section 11-216	**Driving Automobiles or Vehicles in Cemetery**
Section 11-217	**Grave Lot Price, Opening and Closing Fees**
Section 11-218	**Removal of Wreaths**
Section 11-219	**Party Making Installations and Erections Assume Risk**
Section 11-220	**Damage to Installations or Erections at Cemetery**
Section 11-221	**Penalty**

SECTION 11-201 CREATION OF CEMETERY BOARD

Repealed. (Ord. No. 87-5-1.)

State Law Reference: Municipal operation of cemeteries, 11 O.S., Sections 26-4101 et seq.

SECTION 11-202 FUNCTIONS OF BOARD

Repealed. (Ord. No. 87-5-1.)

SECTION 11-203 COMPENSATION

Repealed. (Ord. 87-5-1.)

SECTION 11-204 CARE FUND ESTABLISHED

There is hereby established "The Cemetery Care Fund" for maintenance and improvement of the cemeteries owned and operated by the City.

SECTION 11-205 APPROPRIATION OF INCOME TO FUND

Twenty-five percent (25%) of the income to the City accruing from the sale of cemetery lots, from

interment fees and from monument permits is hereby appropriated and directed segregated by the officer of this City to the credit of "The Cemetery Care Fund". Such segregation shall be accounted for monthly and shall be kept in a separate account or fund by the City Treasurer.

SECTION 11-206 PRICE OF LOTS

The price of lots in the cemetery shall be established by motion or resolution of the City Council.

SECTION 11-207 INTERMENT FEE

The interment fee for opening and closing graves in the City cemetery shall be established by motion or resolution of the City Council.

SECTION 11-208 FEE FOR SETTING MONUMENT OR MARKER

The fee for setting any monument or grave marker in the City cemetery shall be established by motion or resolution of the City. No monument shall be set, established or placed in the City cemetery until and unless the person, firm, or corporation placing the same has obtained from the sexton a permit in writing therefore. Such permit shall indicate the specific location for the marker, its cost and the name of the person, firm or corporation securing the same.

SECTION 11-209 COPING, WALK OR WALL NOT TO BE INSTALLED

It is hereby declared unlawful for any person, firm or corporation to install any coping, walk or wall, permanent plants or shrubbery in the cemetery. However, this prohibition shall not apply to the City where such improvements are necessary for the public good in maintaining the cemetery.

SECTION 11-210 SALE AND CONVEYANCE OF LOTS

All lots in the City cemetery shall be sold at such prices as the Mayor and Council of this City may from time to time adopt and establish. All lots sold therein shall be conveyed by certificate to be issued by the Clerk of this City and signed by the Mayor of this City and countersigned by the Clerk, under the seal of this City, which certificate shall show the lot or lots described by numbers as shown upon the plat of the cemetery, the price paid and by whom paid, and date of issuance.

SECTION 11-211 PAYMENT BEFORE INTERMENT

In no case shall any person or persons dig any grave or inter any human body in or upon any lot owned by this City in the cemetery until the City shall have received the full price to be paid for the lot or lots in or upon which such grave or interment is to be made, and until a permit is issued by the Clerk of this City as provided herein. Any exceptions to the rule must be made by the City Council.

SECTION 11-212 CLERK TO ISSUE BURIAL PERMITS

The Clerk of this City shall have the power and authority to contract and sell any lot or lots in the cemetery, at the price or prices fixed and established by the Mayor and Council of this City, and to issue permits for the burial of the human dead in the cemetery, provided such permits shall not

be issued until all moneys and charges due this City shall have been paid or proper arrangements made in advance to so do.

SECTION 11-213 RECORD OF LOT SALES

It is the duty of the Clerk of this City to keep a record, in a well bound book to be kept for that purpose, of all sales of lots in the cemetery which record shall show the number and location of the lot or lots sold, the date of sale, to whom sold, and the amount paid for each lot or lots, and the names of the person whose body is interred in the cemetery.

SECTION 11-214 EMPLOYMENT OF SEXTON

The Mayor, with the consent and confirmation of the Council, shall appoint some suitable person to be sexton of the cemetery, and shall fix the compensation to be paid for such services; and such sexton shall be under the control and supervision of the Mayor.

SECTION 11-215 ERECTION OF MONUMENTS, IMPROVEMENTS AND EMBELLISHMENTS.

The erection of monuments, tombstones, filling of graves, improving, adorning and embellishing graves, or the marking thereof, by private parties in the cemetery shall be done under the supervision of the sexton and not otherwise. No improvements shall be made and no erection of monuments or markings of graves be had until all charges owing to the City on the lot or lots to be improved shall have been fully paid.

SECTION 11-216 DRIVING AUTOMOBILES OR VEHICLES IN CEMETERY

It is unlawful for any person or persons to drive any automobile or other vehicle on any part of the cemetery, except on established roads, without first having obtained permission of the sexton so to do, and all vehicles driven into the cemetery shall be subject to the orders and directions of the sexton, or other authorized officer in charge of the cemetery.

SECTION 11-217 GRAVE LOT PRICE, OPENING AND CLOSING FEES

A. All lots in the City Cemetery shall be sold for the sum of Five Hundred Dollars ($500.00) per space to those purchasers residing in the City of Shidler zip code are and for those purchasers residing outside of the City of Shidler zip code area there shall be an additional charge of One Hundred Dollars ($100.00).

B. Fees charged for opening and closing of any full-size interment shall be:

Monday at Noon - Friday at 4:00 P.M.:	Five Hundred Dollars ($500.00)
Friday at 4:00 P.M. - Monday at Noon:	One Thousand Dollars ($1,000.00)
City Holiday:	One Thousand Dollars ($1,000.00)

C. Fees charged for opening and closing of a grave site to bury "Cremains" shall be:

Monday at Noon - Friday at 4:00 P.M.:	Seventy-Five Dollars ($75.00)
Friday at 4:00 P.M. - Monday at Noon:	One Hundred Fifty Dollars ($150.00)
City Holiday:	One Hundred Fifty Dollars ($150.00)

D. Any purchaser or owner of a City of Shidler Cemetery lot or lots shall not sell or transfer any lot or lots for more than the amount paid to purchase the lot or lots from the City of Shidler. Proof of the amount paid shall be provided to the City of Shidler in such forum as requested by the City of Shidler. Any violation of the provision regarding resales will result in a dial of the transfer of ownership by the City of Shidler to the prospective purchaser and use of the lot or lots by the purchaser.

E. Every internment including cremains shall require the use of a sealed container.

SECTION 11-218 REMOVAL OF WREATHS

It is unlawful for any person to remove wreaths, flowers, potted plants or other decorations, whether the same be live or artificial, placed on or near graves in any cemetery owned, operated, or maintained by the City, other than the person or persons placing such wreaths, flowers, potted plants or other decorations on or near such graves or their agents or authorized representatives, provided however that the City, its agents, representatives or employees may one month following Memorial Day or other occasion when graves in the cemeteries may be decorated, remove and dispose of such decorations other than permanent plantings and potted flowers or places placed upon grave markers in a position where they do not interfere with the mowing of the cemeteries.

SECTION 11-219 PARTY MAKING INSTALLATIONS AND ERECTIONS ASSUME RISK

Parties making installations or erections at the City cemetery shall do so at their own risk and shall be deemed to recognized that equipment maintaining the cemetery may, while performing such maintenance do damage to such installations and erections.

SECTION 11-220 DAMAGE TO INSTALLATIONS OR ERECTIONS AT CEMETERY

Except in cases of negligence or intentional act, the City shall not be liable in damages for any damage done to coping, walks or walls or other installations or erections at the cemetery by any party, providing that the damage by the City occurs when it or its agents are maintaining the cemetery in the course of its ordinary duties.

SECTION 11-221 PENALTY

Any person, firm or corporation who shall violate any provision of this Chapter, by doing any act prohibited or declared to be unlawful thereby, or declared to be an offense or misdemeanor thereby, or who shall fail to do any act required by any such provision, or who shall fail to do any act when such provision declared such failure to be unlawful or to be an offense or misdemeanor, shall be guilty of a misdemeanor. Upon conviction thereof, such person shall be punished as provided in Section 1-108 of this Code.

CHAPTER 3
LAKES

Section 11-301 **Rules and Regulations**
Section 11-302 **Penalty**

SECTION 11-301 RULES AND REGULATIONS

Rules and regulations governing City lakes shall be determined by the City Council.

SECTION 11-302 PENALTY

Any person who violates any rule or regulation approved by the City Council shall be punished upon conviction thereof as provided in Section 1-108 of this Code.

CHAPTER 4
PARK REGULATIONS

Section 11-401 Park Regulations

SECTION 11-301 PARK REGULATIONS

It is declared to be unlawful for any person to commit any of the following acts in any recreational area or park of the City:

1. To destroy, break, deface, mar or remove any tree, shrub, plant, flower, building, fence, light, fixture or equipment of any type;

2. To dump or scatter trash, garbage or litter of any kind at any place except in designated containers;

3. To use firearms, fireworks, B.B. guns, air rifles, or slingshots;

4. To throw stones or other dangerous hard objects;

5. To use profanity, become intoxicated or otherwise act disorderly or offensive;

6. To climb trees, fences, light posts and other hazardous structures;

7. All parks, playgrounds and recreational areas, unless otherwise provided for by park regulations, shall be closed to the public from 11:00 P.M. to 6:00 A.M. each day, and it shall be unlawful for any person to trespass or loiter in such park, playground or recreational area when the same is closed to the public;

8. To sell or dispense any intoxicating or nonintoxicating beverages as defined by the statues of the State of Oklahoma, except pertaining to special events approved in advance or permission granted by the manager; and

9. No children under the age of twelve (12) shall be allowed at the City Park unless accompanied by an adult.

PART 12
PLANNING, ZONING AND DEVELOPMENT

CHAPTER 1
PLANNING COMMISSION

Section 12-101 Created; Membership
Section 12-102 Organization; Meetings; Officers and Employees
Section 12-103 Powers and Duties

CHAPTER 2
FLOOD DAMAGE PREVENTION

Section 12-201 Statutory Authorization
Section 12-202 Findings of Fact
Section 12-203 Statement of Purpose
Section 12-204 Methods of Reducing Flood Losses
Section 12-205 Definitions
Section 12-206 Lands to Which Special Flood Hazard Applies
Section 12-207 Basis for Establishing the Areas of Special Flood Hazard
Section 12-208 Establishment of Development Permit
Section 12-209 Compliance
Section 12-210 Abrogation and Greater Restrictions
Section 12-211 Interpretation
Section 12-212 Warning and Disclaimer or Liability
Section 12-213 Designation of the Floodplain Administrator
Section 12-214 Duties and Responsibilities of the Floodplain Administrator
Section 12-215 Permit Procedures
Section 12-216 Variance Procedures
Section 12-217 Provisions for Flood Hazard Reduction; General Standards
Section 12-218 Provisions for Flood Hazard Reduction; Specific Standards
Section 12-219 Standards for Subdivision Proposals
Section 12-220 Standards for Areas of Shallow Flooding (AO/AH Zones)
Section 12-221 Floodways
Section 12-222 Penalties for Noncompliance

CHAPTER 3
ANNEXATIONS

Section 12-301 Cost Deposit Required
Section 12-302 Amount of Deposit

CHAPTER 1
PLANNING COMMISSION

Section 12-101 **Created; Membership**
Section 12-102 **Organization; Meetings; Officers and Employees**
Section 12-103 **Powers and Duties**

SECTION 12-101 CREATED; MEMBERSHIP

A City Planning Commission may be created for the City. It shall consist of five (5) appointive members, all of whom shall be residents of the City, and the Mayor and the City Engineer (if any) as ex officio members. The appointive members shall be nominated by the Mayor and appointed by the City Council and shall serve for terms of three (3) years. Of the original appointive members, one shall serve for a term of one (1) year; two (2) shall serve for a term of two (2) years; and two (2) shall serve for a term of three (3) years. Vacancies shall be filled for the unexpired terms. The members shall serve without compensation. The City Council may remove members of the City Planning Commission for cause.

State Law Reference: Municipal planning commissions, 11 O.S. Sections 45-101 to 45-105.

SECTION 12-102 ORGANIZATION; MEETINGS; OFFICERS AND EMPLOYEES

The City Planning Commission shall elect a Chairman, a Vice Chairman, and Secretary, who shall serve until the first Monday of the next May after their election. The Secretary need not be a member of the Commission. The Commission shall determine the time and place of its regular meetings; and the Chairman or any three (3) members may call special meetings of the Commission. The Commission may employ engineers, attorneys, clerks, and other help deemed necessary, subject to the approval of the City Council. Their salaries and compensation shall be fixed by the board and shall be paid out of the City Treasury as other salaries and compensation are paid. The necessary legal expenses shall be paid out of the City Treasury as other legal expenses of the City government are paid.

SECTION 12-103 TO HAVE POWER OF A ZONING COMMISSION

A. The City Planning Commission is hereby appointed the Zoning Commission of the City, and the City Planning Commission shall have the powers of a Zoning Commission as provided by state law. Whether exercising the powers of a planning commission or the powers of a Zoning Commission, it shall be legally one board known as the City Planning Commission.

B. Exercising the powers of a Zoning Commission, the City Planning Commission shall recommend the boundaries of the various zones and appropriate zoning regulations to be enforced therein. It shall have all the powers conferred upon a Zoning Commission by State law and all powers which now or in the future may be granted by applicable State law to such authorities.

CHAPTER 2
FLOOD DAMAGE PREVENTION

Section 12-201	Statutory Authorization
Section 12-202	Findings of Fact
Section 12-203	Statement of Purpose
Section 12-204	Methods of Reducing Flood Losses
Section 12-205	Definitions
Section 12-206	Lands to Which Special Flood Hazard Applies
Section 12-207	Basis for Establishing the Areas of Special Flood Hazard
Section 12-208	Establishment of Development Permit
Section 12-209	Compliance
Section 12-210	Abrogation and Greater Restrictions
Section 12-211	Interpretation
Section 12-212	Warning and Disclaimer or Liability
Section 12-213	Designation of the Floodplain Administrator
Section 12-214	Duties and Responsibilities of the Floodplain Administrator
Section 12-215	Permit Procedures
Section 12-216	Variance Procedures
Section 12-217	Provisions for Flood Hazard Reduction; General Standards
Section 12-218	Provisions for Flood Hazard Reduction; Specific Standards
Section 12-219	Standards for Subdivision Proposals
Section 12-220	Standards for Areas of Shallow Flooding (AO/AH Zones)
Section 12-221	Floodways
Section 12-222	Penalties for Noncompliance

SECTION 12-201 STATUTORY AUTHORIZATION

The Legislature of the State of Oklahoma has in (statutes) 82 O.S. §§1601-1618, as amended, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City of Shidler, Oklahoma ordains the following:

SECTION 12-202 FINDINGS OF FACT

A. The flood hazard areas of the City of Shidler, Oklahoma are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

SECTION 12-203 STATEMENT OF PURPOSE

It is the purpose of this Chapter to promote the public health, safety and general welfare and to

minimize public and private losses due to flood conditions in specific areas by provisions designed to:

A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

F. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas;

G. Ensure that potential buyers are notified that property is in a flood area.

SECTION 12-204 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this Chapter uses the following methods:

A. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

D. Control filling, grading, dredging and other development, which may increase flood damage;

E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

SECTION 12-205 DEFINITIONS

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted to give them the meaning they have in common usage and to give this Chapter it's most reasonable application.

A. **ACCESSORY STRUCTURE** - Structures which are on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure (such as garages and storage sheds).

B. **AREA OF SHALLOW FLOODING** - means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

C. **AREA OF SPECIAL FLOOD HAZARD** - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO or A1-99.

D. **BASE FLOOD** - means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

E. **BASE FLOOD ELEVATION** - means the elevation in feet above mean sea level of the Base Flood or one percent (1%) chance flood.

F. **BASEMENT** - means any area of the building having its floor sub-grade (below ground level) on all sides.

G. **BOARD** - means the Oklahoma Water Resources Board.

H. **CRITICAL FEATURE** - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

I. **DEVELOPMENT** - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

J. **ELEVATED BUILDING** - means a non-basement building built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

K. **EXISTING CONSTRUCTION** - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

L. **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring

of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

M. **EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

N. **FLOOD OR FLOODING** - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters;

2. The unusual and rapid accumulation or runoff of surface waters from any source.

O. **FLOOD INSURANCE RATE MAP (FIRM)** - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

P. **FLOOD INSURANCE STUDY** - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevations of the base flood, as well as the floodway width, section area and mean velocities.

Q. **FLOODPLAIN ADMINISTRATOR** - means a person accredited by the Board and designated by a floodplain board, to administer and implement laws and regulations relating to the management of the floodplains.

R. **FLOODPLAIN OR FLOOD-PRONE AREA** - means any land area susceptible to being inundated by water from any source (see definition of flooding).

S. **FLOODPLAIN MANAGEMENT** - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

T. **FLOODPLAIN MANAGEMENT REGULATIONS** means zoning Ordinances, subdivision regulations, building Codes, health regulations, special purpose Ordinances (such as a floodplain Ordinance, grading Ordinance and erosion control Ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

U. **FLOOD PROTECTION SYSTEM** - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound

engineering standards.

V. **FLOOD PROOFING** - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

W. **FLOODWAY (REGULATORY FLOODWAY)** - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

X. **FUNCTIONALLY DEPENDENT USE** - means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Y. **HIGHEST ADJACENT GRADE** - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Z. **HISTORIC STRUCTURE** - means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

    a. By an approved state program as determined by the Secretary of the Interior or;

    b. Directly by the Secretary of the Interior in States without approved programs.

AA. **LEVEE** - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

BB. **LEVEE SYSTEM** - means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure, and drainage devices, which are constructed and operated in accordance with sound engineering practices.

CC. **LOWEST FLOOR** - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

DD. **MANUFACTURED HOME** - means a structure transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

EE. **MANUFACTURED HOME PARK OR SUBDIVISION** - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

FF. **MEAN SEA LEVEL** - means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

GG. **NEW CONSTRUCTION** - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

HH. **NEW MANUFACTURED HOME PARK OR SUBDIVISION** - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

II. **RECREATIONAL VEHICLE** - means a vehicle which is:

1. Built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projections;

3. Designed to be self-propelled or permanently towable by a light duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use

JJ. **START OF CONSTRUCTION** - includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction,

rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

KK. **STRUCTURE** - means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

LL. **SUBSTANTIAL DAMAGE** - means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

MM. **SUBSTANTIAL IMPROVEMENT** - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures that have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or

2. Any alteration of a "historic structure" provided that the alteration would not preclude the structure's continued designation as a "historic structure."

NN. **VARIANCE** - is a grant of relief to a person from the requirement of these regulations or Chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by these regulations. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

OO. **VIOLATION** - means the failure of a structure or other development to be fully compliant with this community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10) or (d)(3) is presumed to be in violation until such time as that documentation is provided.

PP. **WATER SURFACE ELEVATION** - means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

SECTION 12-206 LANDS TO WHICH THIS SPECIAL FLOOD HAZARD APPLIES

This Chapter shall apply to all areas of special flood hazard within the jurisdiction of the City of Shidler, Oklahoma.

SECTION 12-207 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Osage County, Oklahoma and Incorporated areas" dated April 2, 2008, with accompanying Flood Insurance Rate Map (FIRM) are hereby adopted by reference and declared to be a part of this Chapter. **However, the current existing Flood Damage Prevention provisions for the City of Shidler, Oklahoma shall remain in effect until April 2, 2008.**

SECTION 12-208 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be required to ensure conformance with the provisions of this Chapter.

SECTION 12-209 COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Chapter and other applicable regulations.

SECTION 12-210 ABROGATION AND GREATER RESTRICTIONS

This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and any other Ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 12-211 INTERPRETATION

In the interpretation and application of this Chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION 12-212 WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made hereunder.

SECTION 12-213 DESIGNATION OF THE FLOOD-PLAIN ADMINISTRATOR

The City of Shidler, Oklahoma shall appoint, by resolution, a Floodplain Administrator to administer and implement the provisions of this Chapter and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

SECTION 12-214 DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

A. Maintain and hold open for public inspection all records pertaining to the provisions of these regulations.

B. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

C. Review, approve or deny all applications for development permits required by adoption of these regulations.

D. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval are required.

E. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

F. Notify, in riverine situations, adjacent communities and the State Coordinating Agency, the Oklahoma Water Resources Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

G. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

H. Shall obtain certified Base Flood Elevation data from the applicant/developer to administer this Chapter effectively and reduce flood damage within the community.

I. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

J. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first complies with 44 CFR, Chapter 1, Section 65.12.

K. Become accredited by the Board in accordance with Title 82 O.S. §§ 1601-1618, as amended.

L. After a disaster or other type of damage occurrence to structures in the City of Shidler, Oklahoma determine if the residential & non-residential structures & manufactured homes located in the SFHA have been substantially damaged and enforce the substantial improvement requirement.

SECTION 12-215 PERMIT PROCEDURES

A. Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

2. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

3. Maintain a record of all such information in accordance with Article 4, Section (B)(1).

B. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of these regulations and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;

2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

3. The danger that materials may be swept onto other lands to the injury of others;

4. The compatibility of the proposed use with existing and anticipated development;

5. The safety of access to the property in times of flood for ordinary and emergency vehicles;

6. The costs of providing governmental services during and after flood conditions

including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

7. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

8. The necessity to the facility of a waterfront location, where applicable;

9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

10. The relationship of the proposed use to the comprehensive plan for that area.

SECTION 12-216 VARIANCE PROCEDURES

A. The Appeal Board as established by the community shall hear and render judgment on requests for variances from the requirements of this Chapter.

B. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.

C. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

D. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Chapter.

F. Variances may **not** be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level.

G. Upon consideration of the factors noted above and the intent of this Chapter, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Chapter (Section 12-503).

H. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

I. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

J. Prerequisites for granting variances:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

2. Variances shall only be issued upon:

   a. Showing a good and sufficient cause;

   b. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and

   c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws, regulations or Ordinances.

3. No variance shall be granted for a structure to be constructed below the base flood elevation.

K. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

1. The criteria outlined in Article 4, Section D (1) - (9) are met; and

2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

L. Any person seeking a variance shall file a petition with the floodplain board, accompanied by a filing fee of Twenty-Five Dollars ($25.00).

M. A copy of any variance issued shall be sent to the OWRB within in fifteen (15) days of issuance.

SECTION 12-217 PROVISIONS FOR FLOOD HAZARD REDUCTION; GENERAL STANDARDS

In all areas of special flood hazard the following provisions are required for all new construction and substantial improvements:

A. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

B. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

C. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

D. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

G. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION 12-218 PROVISIONS FOR FLOOD REDUCTION; SPECIFIC STANDARDS

In all areas of special flood hazards the following provisions are required:

A. **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated at a minimum of one (1) foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C (1) a., is satisfied.

B. **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall have the lowest floor (including basement) elevated at a minimum of one (1) foot above the base flood level.

C. **Enclosures** - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

2. The bottom of all openings shall be no higher than one foot above grade.

3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. **Manufactured Homes -**

1. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices that minimize flood damage and have the bottom of the I beam elevated at a minimum of one (1) foot above the base flood elevation. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for a licensed installer shall install resisting wind forces and the home and comply with State Law.

2. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated at a minimum of one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. Also, the home shall be installed by a licensed installer and comply with State Law.

3. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of Paragraph (4) of this Section be elevated so that

   a. The bottom of the I-beam of the manufactured home is at a minimum one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement support the manufactured home chassis and also installed by a licensed installer that complies with State law.

E. **Recreational Vehicles -** Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

1. Be on the site for fewer than 180 consecutive days;

2. Be fully licensed and ready for highway use; or

3. Meet the permit requirements of Article 4, Section C (1), and the elevation and anchoring requirements for "manufactured homes" in Paragraph (4) of this Section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

F. **Accessory Structure -**

1. Structure is low valued and represents a minimal investment;

2. Structure shall be small and not exceed 600 square feet in size;

3. Structure shall be unfinished on the interior;

4. Structure can be used only for parking and limited storage;

5. Structure shall not be used for human habitation (including work, sleeping, living, cooking, or restroom areas);

6. Service facilities such as electrical and heating equipment shall be elevated at a minimum of one (1) foot above the BFE;

7. Structure is constructed and placed on building site so as to offer the minimum resistance to the flow of floodwaters;

8. Structure is designed to have low flood damage potential i.e. constructed with flood resistance materials;

9. Structure is firmly anchored to prevent flotation, collapse, and lateral movement;

10. Floodway requirements must be met in the construction of the structure;

11. Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE;

12. Structure is to be located so as not to cause damage to adjacent and nearby structures.

SECTION 12-219 STANDARDS FOR SUBDIVISION PROPOSALS

A. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Sections 12-502, 12-503 and 12-504 of this Chapter.

B. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Sections 12-508, 12-515, and the provisions of Section 12-517 of this Chapter.

C. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Section 12-507 or Section 12-514 H. of this Chapter.

D. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

E. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SECTION 12-220 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flows may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

A. All new construction and substantial improvements of **residential** structures have the lowest floor (including basement) elevated at a minimum of one (1) foot above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

B. All new construction and substantial improvements of **non-residential** structures shall have the lowest floor (including basement) elevated at a minimum of one (1) foot above the highest adjacent grade and at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

C. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C (1) a., are satisfied.

D. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

SECTION 12-221 FLOODWAYS

Floodways - located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles and erosion potential, the following provisions shall apply:

A. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

B. If Article 5, Section E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

C. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community **complies with all of 44 CFR Chapter 1, Section 65.12.**

SECTION 12-222 PENALTIES FOR NON-COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations. Violation of the provisions of this Chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person, firm or corporation, violating or aiding, abetting or assisting in the violation of any provision of this Chapter is guilty of a separate offense for each provision violated and, upon conviction, shall be punished as provided in Section 1-108 of this Code. Wherever any violation is capable of being continuing in nature, each day's continuation thereof shall constitute a separate offense and, in addition. shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City Council of Shidler, Oklahoma or the City Attorney from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. No. 07-12-1, 12-04-2007)

CHAPTER 3
ANNEXATIONS

Section 12-301 **Cost Deposit Required**
Section 12-302 **Amount of Deposit**

SECTION 12-301 COST DEPOSIT REQUIRED

In all cases where individuals initiate annexation by the filing of a petition therefore, the Clerk shall require before accepting the petition for filing a cost deposit in accordance with this Chapter.

SECTION 12-302 AMOUNT OF DEPOSIT

There shall be deposited by any petitioner for annexation the sum of Fifty Dollars ($50.00) made payable to the City Clerk which sum shall be used for publication costs, a Five Dollar ($5.00) filing fee and all other costs incident thereto, if any. Further, should there by any unused amount, then and in that event, same should be refunded to the petitioner regardless of the outcome and decision of the City. If there are additional costs or expenses, then and, in that event, the Clerk should forthwith bill the petitioner.

PART 13
PUBLIC SAFETY

CHAPTER 1
FIRE PREVENTION CODE

Section 13-101	Adoption of Fire Prevention Code
Section 13-102	Enforcement
Section 13-103	Definition
Section 13-104	Limits for Storage of Flammable Liquids, Bulk Storage of Liquefied Petroleum Gases, Explosives and Blasting Agents
Section 13-105	Modifications
Section 13-106	Appeals
Section 13-107	Penalty

CHAPTER 2
FIRE DEPARTMENT AND SERVICE

Section 13-201	Fire Department
Section 13-202	Duties of the Fire Chief
Section 13-203	Duties of the Assistant Chief
Section 13-204	Company Officers
Section 13-205	The Secretary-Treasurer
Section 13-206	New Members
Section 13-207	Bylaws
Section 13-208	Rules and Regulations
Section 13-209	Use of Fire Equipment; Inventory and Repair
Section 13-210	Contracts Authorized Outside City Limits
Section 13-211	Contract Terms, Fees for Service
Section 13-212	Authority to Answer Calls
Section 13-213	Firefighters Serving in Regular Line of Duty
Section 13-214	Department Considered Agent of State

CHAPTER 3
POLICE DEPARTMENT

Section 13-301	Police Department Created; Chief
Section 13-302	Duties
Section 13-303	Police Officers

CHAPTER 4
EMERGENCY MANAGEMENT AGENCY

Section 13-401	Purpose of Emergency Management Agency
Section 13-402	Emergency Management Agency Created
Section 13-403	Emergency Management Director; Powers and Duties

Section 13-404 Emergency Management Director; Further Powers and Duties
Section 13-405 Emergency Management Director; Emergency Powers
Section 13-406 Mayor to Terminate Emergencies
Section 13-407 Enforcement of Laws and Ordinances
Section 13-408 Service Without Compensation; Not Liable for Injuries

CHAPTER 5
AMBULANCE SERVICES

Section 13-501 Ambulance Services and Rates Established

CHAPTER 1
FIRE PREVENTION CODE

Section 13-101	**Adoption of Fire Prevention Code**
Section 13-102	**Enforcement**
Section 13-103	**Definition**
Section 13-104	**Limits for Storage of Flammable Liquids, Bulk Storage of Liquefied Petroleum Gases, Explosives and Blasting Agents**
Section 13-105	**Modifications**
Section 13-106	**Appeals**
Section 13-107	**Penalty**

SECTION 13-101 ADOPTION OF FIRE PREVENTION CODE

There is hereby adopted to the City Council for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain Code known as the Fire Prevention Code, recommended by the National Fire Protection Association, being particularly the current edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended. Not less than one copy of the Code has been filed in the office of the Clerk of the City and the same are hereby adopted and incorporated as fully as if set out at length herein. The provisions of The Fire Prevention Code shall be controlling within the limits of the City.

Cross Reference: See also Section 8-110.1 on burning Refuse and exemption from fire Code.

SECTION 13-102 ENFORCEMENT

The Code hereby adopted shall be enforced by the Chief of the Fire Department.

SECTION 13-103 DEFINITION

Wherever the word "municipality" is used in the Fire Prevention Code hereby adopted, it shall be held to mean the City.

SECTION 13-104 LIMITS FOR STORAGE OF FLAMMABLE LIQUIDS, BULK STORAGE OF LIQUEFIED PETROLEUM GASES, EXPLOSIVES AND BLASTING AGENTS

The limits referred to in the Fire Prevention Code, in which storage of flammable liquids in outside above-ground tanks is prohibited, shall be the City limits. A flammable liquid is any liquid having a flash point below 100 degrees F. (38 degrees C) and having a vapor pressure not exceeding forth (40) PSIA (717.08 kpa) at 100 degrees F. (38 degrees C). The limits referred to in which bulk storage of liquefied petroleum gas is restricted, and the limits in which storage of explosives and blasting agents is prohibited, are hereby established as the fire limits provided in Part 5 of this Code.

SECTION 13-105 MODIFICATIONS

The Chief of the Fire Department shall have power to modify any of the provisions of the Code hereby adopted in his own discretion or upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the letter of the Code, provided that the spirit of the Code shall be observed, public safety secured, and substantial justice done. The particulars of such modifications when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the Department and for applications requesting change, a signed copy shall be furnished the applicant.

SECTION 13-106 APPEALS

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the City Council within thirty (30) days from the date of the decision appealed.

SECTION 13-107 PENALTY

Any person, firm or corporation who violates any provision of this Chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1-108 of this Code.

CHAPTER 2
FIRE DEPARTMENT AND SERVICE

Section 13-201	**Fire Department**
Section 13-202	**Duties of the Fire Chief**
Section 13-203	**Duties of the Assistant Chief**
Section 13-204	**Company Officers**
Section 13-205	**The Secretary-Treasurer**
Section 13-206	**New Members**
Section 13-207	**Bylaws**
Section 13-208	**Rules and Regulations**
Section 13-209	**Use of Fire Equipment; Inventory and Repair**
Section 13-210	**Contracts Authorized Outside City Limits**
Section 13-211	**Contract Terms, Fees for Service**
Section 13-212	**Authority to Answer Calls**
Section 13-213	**Firefighters Serving in Regular Line of Duty**
Section 13-214	**Department Considered Agent of State**

SECTION 13-201 FIRE DEPARTMENT

A. There shall be a Fire Department, the head of which shall be the Chief of the Fire Department.

B. The term "volunteer firefighter" means one who is enrolled as a member of the Fire Department of the City and who serves in that capacity without receiving a regular salary. The size of the volunteer Fire Department of the City shall be composed of not less than twelve (12) nor more than twenty (20) members.

C. It is the duty of the Fire Department, among others, to extinguish fires; to rescue persons endangered by fire; to resuscitate, and to administer first aid to, persons injured in or about burning structures, or elsewhere in case of an emergency; to promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention, and safety of persons from fire in public and private buildings.

State Law Reference: Volunteer Fire Departments, provisions and requirements, 11 O.S. Sections 9-201 et seq.

SECTION 13-202 DUTIES OF THE FIRE CHIEF

The Chief shall be the administrative head of the Department, subject to the laws of the State, Ordinances of the City, and the rules and regulations adopted in this Chapter. The Chief shall have the following powers and duties, and he may assign duties to other members of the Department:

1. The Chief shall be responsible for the general condition and efficient operation of the Department, the training of members, and the performance of all other duties imposed upon him. He shall have supervision and control of the Fire Department,

subject to the supervision and control of the City Council;

2. The Chief may inspect or cause to be inspected by members of the Department, the fire hydrants, cistern and other sources of water supply at least twice each year;

3. The Chief may maintain a library or file of publications on fire prevention and fire protection and shall make use of it to the best advantage of all members;

4. The Chief shall make every effort to attend all fires and direct the officers and members in the performance of their duties;

5. The Chief shall see that the citizens are kept informed on fire hazards in the community and on the activities of the Department;

6. The Chief shall see that each fire is carefully investigated to determine its cause, and in the case of suspicion of incendiarism or arson, shall notify property authorities and secure and preserve all possible evidence for future use in the case;

7. The Chief is authorized to enter any building or premise in the City at any reasonable hour for the purpose of making inspections and to serve written notice on persons for any violations that may be found; and

8. The Chief shall see that complete records are kept of all fires, inspections, apparatus and equipment, personnel and other information of the Department and shall make reports to the City Council as it may require. The Chief shall keep the City Council informed regarding the Fire Department and its needs.

State Law Reference: Duties of Fire Chief generally, 11 O.S. Section 20-102; investigations of fires, report to State Fire Marshal, 74 O.S. Section 314.

SECTION 13-203 DUTIES OF THE ASSISTANT CHIEF

In the absence of the Chief, the Assistant Chief on duty shall command the Department and beheld responsible therefore in all respects with the full powers and responsibilities of the Chief. The Assistant Chief shall be elected from among the members of the Fire Department.

SECTION 13-204 COMPANY OFFICERS

Company officers shall be selected by the Chief based upon the following criteria:

1. Knowledge of firefighting;

2. Leadership ability; and

3. Knowledge of firefighting equipment.

SECTION 13-205 THE SECRETARY-TREASURER

One member elected by the members of the Fire Department shall be a Secretary-Treasurer. His duties shall consist of the following:

1. Calling the roll at the opening of each meeting;

2. Keeping the minutes of each meeting; and

3. Collecting any money due the Department by the members.

SECTION 13-206 NEW MEMBERS

New members of the Department shall be appointed by the Chief and shall be on probation for one (1) year after their appointment. Upon completion of their probation period, new members must be approved by the majority of the other members of the Fire Department and the City Council.

SECTION 13-207 BYLAWS

The Bylaws of the Department shall include the following:

1. All volunteer Fire Department members are required, when notified, to respond to alarms of fire and other emergencies;

2. A member is required to be present at all regular meetings, called meetings and schools presented for the benefit of the firefighters;

3. At least one regular business meeting of the member shall be held each month;

4. Ay member having two (2) unexcused absences in succession or three (3) unexcused absences in a period of three (3) months will be dropped from the Fire Department rolls;

5. Any member leaving the City for an extended period of time is required to notify the Chief;

6. Any member refusing to attend training classes provided for members of the Department will be dropped; and

7. Any member of the Fire Department may be dropped from the rolls for the following offenses:

    a. Conduct unbecoming a firefighter;

    b. Any act of insubordination;

    c. Neglect of duty;

    d. Any violation of rules and regulations governing the Fire Department;

e. Conviction of a felony; or

f. By majority vote of the members of the company and approval of the City Council.

SECTION 13-208 RULES AND REGULATIONS

The City Council by motion or resolution may adopt and change regulations relating to the Fire Department, its organization, operation and compensation.

SECTION 13-209 USE OF FIRE EQUIPMENT; INVENTORY AND REPAIR

No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the Department. No person shall enter ay place where fire apparatus is housed or handle any apparatus or equipment belonging to the Department unless accompanied by, or having the special permission of, an officer or authorized member of the Department.

SECTION 13-210 CONTRACTS AUTHORIZED OUTSIDE CITY LIMITS

The City is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or associations, or political subdivisions of the state for fire protection outside the corporate limits of the City, and to contract to provide fire protection jointly with other organizations and municipal subdivisions of the state.

State Law Reference: Fire calls outside limits, 11 O.S. Section 29-108.

SECTION 13-211 CONTRACT TERMS, FEES FOR SERVICE

Any contract entered into by the City with an individual owner, firm, private corporation, or association, for outside aid, or mutual aid for fire protection, shall provide for the payment by the owner, firm, private corporation, or association, or political subdivision to the City for such fire apparatus and personnel at the rate per call as set by the City Council. All moneys received from the calls shall go into the general fund.

SECTION 13-212 AUTHORITY TO ANSWER CALLS

The Fire Department of the City is hereby authorized and directed to answer all outside calls outside the corporate City limits in the discretion of the Fire Chief. The Fire Department may not answer such outside calls if, in the opinion of the Fire Chief, it is inexpedient to do so on account of another fire in the City, broken apparatus, impassable or dangerous highways, or other physical conditions.

SECTION 13-213 FIREFIGHTERS SERVING IN REGULAR LINE OF DUTY

All volunteer firefighters of the Fire Department of the City attending and serving at fires or doing fire prevention work outside the corporate limits of the City, as herein provided, shall be considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of the City. The firefighters shall be entitled to all benefits of any firemen's pension and relief fund in

the same manner as if the fire fighting or fire prevention work was being done within the corporate limits of the City. Compensation of firefighters shall be as provided by the City Council by Ordinance or resolution.

SECTION 13-214 DEPARTMENT CONSIDERED AGENT OF STATE

The Fire Department of the City answering any fire alarm, or call, or performing any fire prevention services outside the corporate limits of the City shall be considered as an agent of the State, and acting solely and alone in a governmental capacity, and the municipality shall not be liable in damages for any act of commission, omission, or negligence while answering or returning from any fire, or reported fire, or doing any fire prevention work under and by virtue of Section s 13-210 to 13-214 of this Code.

CHAPTER 3
POLICE DEPARTMENT

Section 13-301 **Police Department Created; Chief**
Section 13-302 **Duties**
Section 13-303 **Police Officers**

SECTION 13-301 POLICE DEPARTMENT CREATED; CHIEF

There shall be a Police Department, the head of which is the Chief of Police, or Police Chief, appointed by the Mayor and City Council and removable by the Mayor and Council. The Chief of Police is an Officer of the City and has supervision and control of the Police Department. The Mayor and Council may appoint the City Marshal, elected as provided in Section 2-102 of this Code to serve as Police Chief. All Police Officers are Officers of the City.

State Law Reference: Police Department and duties, 11 O.S. Sections 34-101 et seq.

SECTION 13-302 DUTIES

It is the duty of the Police Department to apprehend and arrest on view or on warrant and bring to justice all violators of the Ordinances of the City; to suppress all riots, affrays, and unlawful assembles which may come to their knowledge, and generally to keep the peace; to serve all warrants, writs, executions, and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or State law as provided by aw, and to turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of Police Officers. The Police Department has charge of and operates the City jail.

SECTION 13-303 POLICE OFFICERS

Police Officers shall be appointed subject to approval of the City Council who shall perform such duties as shall be required of them by the Chief of police, City Ordinances, Federal, State and County regulations and any other actions required in the maintenance of good order and public peace.

CHAPTER 4
EMERGENCY MANAGEMENT AGENCY

Section 13-401	**Purpose of Emergency Management Agency**
Section 13-402	**Emergency Management Agency Created**
Section 13-403	**Emergency Management Director; Powers and Duties**
Section 13-404	**Emergency Management Director; Further Powers and Duties**
Section 13-405	**Emergency Management Director; Emergency Powers**
Section 13-406	**Mayor to Terminate Emergencies**
Section 13-407	**Enforcement of Laws and Ordinances**
Section 13-408	**Service Without Compensation; Not Liable for Injuries**

SECTION 13-401 PURPOSE OF EMERGENCY MANAGEMENT AGENCY

The purpose of this Chapter is to create an Emergency Management Agency for the City to be prepared for, and to function in the event of emergencies endangering the lives and property of the people of the City. The duty of the Emergency Management Agency shall be the protection of the lives and health of the citizens of the City and of property and property rights, both private and public, and performance of all functions necessary and incident thereto.

SECTION 13-402 EMERGENCY MANAGEMENT AGENCY CREATED

There is hereby established under the Executive Branch of the government of the City the Emergency Management Agency which shall consist of:

1. An Emergency Management Director who shall be appointed by the Mayor of the City and serve at his pleasure and to be removed by written dismissal by the Mayor. The Emergency Management Director and all persons acting by, through or under him shall serve without pay from the City; and

2. An Emergency Management Advisory Committee. This Committee shall consist of the Mayor as Chairman and five (5) members appointed by the Mayor and serving at his pleasure. The Committee shall select from its members a Vice-Chairman and Secretary. It shall hold such meetings as are directed by the Mayor or the Emergency Management Director, and its function shall be to act in an advisory capacity as needed or requested by the Mayor or the Emergency Management Director.

SECTION 13-403 EMERGENCY MANAGEMENT DIRECTOR; POWERS AND DUTIES

The Emergency Management Director shall be the executive head of the Emergency Management Agency and shall be responsible for carrying out the Emergency Management Program of the City. He shall serve without compensation but may be reimbursed for expenses incurred in the performance of his duties. It shall be the duty of the Emergency Management Director as soon as practicable after his appointment to perfect an organization to carry out the purposes set forth in this Chapter. He shall have all necessary power and authority to form committees or other bodies and to

appoint and designate the Chairman or Chief Officer of such bodies as may be necessary to perfect such an organization. He shall have further duty and responsibility to cooperate with all Emergency Management Agencies of other governmental units, including the State and the Federal Government.

SECTION 13-404 EMERGENCY MANAGEMENT DIRECTOR; FURTHER POWERS AND DUTIES

The Emergency Management Director is further authorized to formulate written plans and gather information and keep written records thereof to govern the functions of the Emergency Management Agency. All his acts shall be under the direction and authority of the Mayor and City Council.

SECTION 13-405 EMERGENCY MANAGEMENT DIRECTOR; EMERGENCY POWERS

In the event of any enemy-caused emergency or emergency resulting from natural causes, the Emergency Management Director after due authorization from the Mayor shall have the power and authority to enforce all rules and regulations relating to civil defense and, if necessary, take control of transportation, communications, stocks of fuel, food, clothing, medicine, and public utilities for the purpose of protecting the civilian population. He shall cooperate in every way with the activities of other governmental agencies, emergency management agencies, or civil defense organizations. If required by the Mayor, the Emergency Management Director shall have control over any and all funds allocated from any source for the purpose of alleviating distress conditions in the City.

SECTION 13-406 MAYOR TO TERMINATE EMERGENCIES

The State of emergency and power exercised thereunder shall terminate upon authority of and by written notice to that effect by the Mayor to the Emergency Management Director in the exercise of his power and discretion as the Principal Officer of the City. All powers of the Mayor shall be exercised by the Vice Mayor in his absence from the City or his inability to act, all as provided by law.

SECTION 13-407 ENFORCEMENT OF LAWS AND ORDINANCES

The Emergency Management Director and other members of the Emergency Management Agency created by him shall have the power and authority to enforce the laws of the State and Ordinances of the City during the period of emergency and shall at such time have the further power to make arrests for violations of such laws or Ordinances.

SECTION 13-408 SERVICE WITHOUT COMPENSATION; NOT LIABLE FOR INJURIES

All members of the Emergency Management Agency Organization created hereunder shall serve without compensation; and the City shall not be liable for any personal injury received by any member of such organization while acting in line of duty.

SECTION 13-501 AMBULANCE SERVICES AND RATES ESTABLISHED

A. The emergency medical service ("City of Shidler Emergency Medical Service") operated by the City of Shidler, or it's assignee, shall be the sole provider for all of the ground vehicle ambulance service, both emergency and non-emergency, within the corporate limits of the City of Shidler and shall hold the City's exclusive ambulance license, as authorized by the state statute.

B. All ambulance calls originating within the corporate limits of the City of Shidler, including transfers from departing healthcare facilities within the corporate limits, must utilize the emergency medical service of the City of Shidler Emergency Medical Service.

C. All ambulance services operating outside of the corporate limits of the City must first obtain authorization from the emergency medical service dispatch prior to operating within the corporate limits of the City of Shidler.

D. Exceptions:

1. Hospitals shall be an exception to this Section 99.01 provided the first call of transfer was made to the City of Shidler.

2. Utilization of air ambulance service to facilitate transport of a patient, but only in the event the City of Shidler Emergency Medical Service lacks the appropriate resources needed to transport the patient.

3. Time sensitive illness and/or injury requiring the expediency of air transport.

4. An ambulance providing mutual aid at the request of the City of Shidler Emergency Medical Service.

E. Ambulance rates may be established from time to time upon approval of the City Council of the City of Shidler.

F. All retired fire personnel of the City of Shidler and their spouses shall be provided ambulance services at no charge to them for as long as they shall remain residents of the City of Shidler.

PART 14
STREETS AND PUBLIC WORKS

CHAPTER 1
USE AND OBSTRUCTION OF STREETS

Section 14-101	Trees and Shrubbery to be Trimmed
Section 14-102	Unlawful to Injure Trees and Shrubbery
Section 14-103	Unlawful to Obstruct Sidewalks, Parkways, Streets and Alleys with Merchandise
Section 14-104	Unlawful to Unduly Obstruct Sidewalks and Streets
Section 14-105	Unlawful to Deposit Trash Upon Streets or Sidewalks
Section 14-106	Unlawful to Play on Streets
Section 14-107	Vehicles Not to be Washed on Street
Section 14-108	Water, Mud from Vehicle Not to Drain onto Street
Section 14-109	Water from Filling Stations and Other Businesses
Section 14-110	Owner or Occupant Not to Permit Sidewalk or Sidewalk Area to Become a Hazard
Section 14-111	Street Not to be Obstructed so as to Interfere with Drainage
Section 14-112	Unlawful to Cut Streets, Alleys, Curbs, Permits, Notice to City
Section 14-113	Fees
Section 14-114	Unlawful Placement of Pipes or Pipelines under the Streets and Alleys
Section 14-115	Dynamic Braking Services Prohibited
Section 14-116	Penalty

CHAPTER 2
DRAINAGE DITCHES

Section 14-201	Approval to Change a Drainage Ditch
Section 14-202	Proposed Changes to be Submitted to Mayor, Whistles Installed
Section 14-203	Violations may be Removed by City

CHAPTER 3
SIDEWALKS, ADJACENT IMPROVEMENTS

Section 14-301	Permits for Improvements
Section 14-302	Permitted Structures
Section 14-303	Rights Granted Revocation
Section 14-304	Existing Improvements
Section 14-305	Penalty

CHAPTER 4
CLOSING PUBLIC WAYS AND EASEMENTS

Section 14-401	Procedure and Notice for Closing Ways and Easements
Section 14-402	Additional Notice to Abutting Owners Where Open and Used by Public
Section 14-403	Publication

CHAPTER 1
USE AND OBSTRUCTION OF STREETS

Section 14-101	**Trees and Shrubbery to be Trimmed**
Section 14-102	**Unlawful to Injure Trees and Shrubbery**
Section 14-103	**Unlawful to Obstruct Sidewalks, Parkways, Streets and Alleys with Merchandise**
Section 14-104	**Unlawful to Unduly Obstruct Sidewalks and Streets**
Section 14-105	**Unlawful to Deposit Trash Upon Streets or Sidewalks**
Section 14-106	**Unlawful to Play on Streets**
Section 14-107	**Vehicles Not to be Washed on Street**
Section 14-108	**Water, Mud from Vehicle Not to Drain onto Street**
Section 14-109	**Water from Filling Stations and Other Businesses**
Section 14-110	**Owner or Occupant Not to Permit Sidewalk or Sidewalk Area to Become a Hazard**
Section 14-111	**Street Not to be Obstructed so as to Interfere with Drainage**
Section 14-112	**Unlawful to Cut Streets, Alleys, Curbs, Permits, Notice to City**
Section 14-113	**Fees**
Section 14-114	**Unlawful Placement of Pipes or Pipelines under the Streets and Alleys**
Section 14-115	**Dynamic Braking Services Prohibited**
Section 14-116	**Penalty**

SECTION 14-101 TREES AND SHRUBBERY TO BE TRIMMED

A. Every owner of any tree, shrub, bush, or plant of any sort overhanging on any street or right-of-way within the City shall trim the branches so that such branches shall not obstruct the light from any streetlamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or right-of-way. The owners shall remove all dead, diseased or dangerous trees, shrubs, bushes or plants of any sort, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to trim any tree, shrub, bush or plant of any sort on private property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic control device, sign, or of on-coming traffic, such trimming to be confined to the area immediately above and along the right-of-way.

B. Any owner or occupant who shall fail, refuse or neglect to trim trees and shrubbery as provided in Subsection A of this Section, after receiving five (5) days' notice from the head of the department in charge of streets to do so, shall be guilty of an offense against the City. Every day that the owner or occupant shall fail, refuse or neglect to trim the trees or shrubbery, after the expiration of the five (5) days' notice, shall be a separate offense.

SECTION 14-102 UNLAWFUL TO INJURE TREES AND SHRUBBERY

It is unlawful for any person to injure any tree or shrubbery on a street or alley in the City; provided this shall not prohibit the lawful and proper care and removal of such trees and shrubbery.

SECTION 14-103 UNLAWFUL TO OBSTRUCT SIDEWALKS, PARKWAYS, STREETS AND ALLEYS WITH MERCHANDISE

It is unlawful for any person, firm, or corporation to place upon or permit to be placed upon the sidewalks, parkways, streets and alleys of the City, any goods, wares, articles of merchandise or any other obstruction, and leave same thereon; or to use the same as a place to carry on a business or trade.

SECTION 14-104 UNLAWFUL TO UNDULY OBSTRUCT SIDEWALKS AND STREETS

It is unlawful for ay person, firm, or corporation to use or obstruct the sidewalks of the City in any manner as to interfere unduly with pedestrian traffic thereon, or to use or obstruct the streets and alleys of the City in any manner as to interfere unduly with lawful traffic and parking thereon.

SECTION 14-105 UNLAWFUL TO DEPOSIT TRASH UPON STREETS OR SIDEWALKS

It is unlawful for any person, firm or corporation to deposit, throw or sweep into or upon the streets, alleys, parking or sidewalks of the City any paper, rubbish, grass, weeds, tree trimmings, dirt, trash, crates, boxes or other refuse of any kind.

SECTION 14-106 UNLAWFUL TO PLAY ON STREETS

It is unlawful for any person to play on the main-traveled portion of the streets and alleys of the City, except as may be authorized by ordinance.

SECTION 14-107 VEHICLES NOT TO BE WASHED ON STREET

The washing of an automobile or other on any street of the City is hereby prohibited.

SECTION 14-108 WATER, MUD FROM VEHICLE NOT TO DRAIN INTO STREET

No automobile or other vehicle shall be washed at any place within the City where the water, dirt, mud or other substances removed therefrom by or during the washing thereof, shall drain into or upon any street or sidewalk of the City.

SECTION 14-109 WATER FROM FILLING STATIONS AND OTHER BUSINESSES

It is unlawful for any owner or operator of a filling station or other place of business, or any agent or employee thereof, to cause or allow water, grease or other fluid to flow or drain into, upon, over, or across any sidewalk, parking, street, alley or other public way.

SECTION 14-110 OWNER OR OCCUPANT NOT TO PERMIT SIDEWALK OR SIDEWALK AREA TO BECOME A HAZARD

It is unlawful for the owner or occupant of property abutting upon a sidewalk area to permit the sidewalk or sidewalk area adjacent to the property to become a hazard to persons using the sidewalk, or sidewalk area.

SECTION 14-111 STREET NOT TO BE OBSTRUCTED AS TO INTERFERE WITH DRAINAGE

It is unlawful for any person, firm, or corporation to obstruct any street, sidewalk, or alley, by placing any approach driveway or other obstruction or substance whatever that will obstruct or prevent the natural flow of water, into the storm sewers or drains, or dam the same so as to back any water upon the streets, alleys, sidewalks, or gutter.

SECTION 14-112 UNLAWFUL TO CUT STREETS, ALLEYS, CURBS, PERMITS, STREETS AND ALLEYS

It is unlawful for any person to cut, alter, mutilate or change in any manner for any purpose ay paved or traveled portion of any street or alley, or any curb, gutter, catch basin or any other appurtenance of any street or alley, or any sidewalk in the City, except employees of the City acting under the direct supervision of the City or by permit granted by the City after submission of plans and payment of a permit fee of twenty-five dollars ($25.00). Any person, company, including utility companies, corporations, or businesses, desiring to install any lines, including electrical, water, sewer, cable, or telephone, shall be required to give reasonable notice to the City as to when they desire to have a particular street, to be cut, altered, or changed. The person, company, corporation, or business shall give at least three (3) days notice to the City which shall constitute a reasonable notice. Any street cuts not perpendicular or longitudinal to the main traffic way will require a separate permit with fees to be negotiated with the City. (Ord. No. 01-08-02, 08-07-2001)

SECTION 14-113 FEES

The City shall charge a fee of Twenty-Five Dollars ($25.00) per permit. (Ord. No. 01-08-02; August 7, 2001)

SECTION 14-114 UNLAWFUL PLACEMENT OF PIPES OR PIPELINES UNDER THE STREETS AND ALLEYS

A. It is unlawful for any persons, firm, or corporation to place under any street or alley within the City any pipes or pipelines without the written permission and permit issued by the City.

B. Placement of pipes or pipelines without the written permission and permit by the City is hereby declared to be a nuisance and the street department may abate it at any time, either with or without notice to the owners or users.

SECTION 14-115 DYNAMIC BRAKING SERVICES PROHIBITED

A. A dynamic braking device (commonly referred to as Jake Brakes, Jacobs Brake, Engine Brake or Compression Brake) means a device, primarily on trucks, that converts the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

B. No person shall operate any motor vehicle with a dynamic braking device engaged within the municipal boundaries of the City of Barnsdall, except for emergency situations for the purpose of avoiding a collision with another object or vehicle.

SECTION 14-116 PENALTY

Any person, firm, or corporation who violates any provision of this Chapter shall be guilty of an offense and, upon conviction thereof, shall be punished as provided in Section 1-108 of this Code. (Ord. No. 01-08-02; August 7, 2001)

CHAPTER 2
DRAINAGE DITCHES

Section 14-201 **Approval to Change a Drainage Ditch**
Section 14-202 **Proposed Changes to be Submitted to Mayor, Whistles Installed**
Section 14-203 **Violations may be Removed by City**

SECTION 14-201 APPROVAL TO CHANGE A DRAINAGE DITCH

It is unlawful for any person or firm to fill in, dig out, install whistles, create any obstruction, or make any change of whatsoever kind or character in any drainage ditches within the City limits without first obtaining the written approval of the Mayor.

SECTION 14-202 PROPOSED CHANGES TO BE SUBMITED TO MAYOR, WHISTLES INSTALLED

Before any person or firm shall undertake in any way to change any drainage ditch within the City limits, they shall first submit the proposed changes to the Mayor of the City for approval. No changes shall be made without the approval of the Mayor or his duly authorized representative. Any whistles installed shall be not less tan twelve (12) inches in diameter and shall be installed so as not to obstruct the flow of drainage water.

SECTION 14-203 VIOLATIONS MAY BE REMOVED BY CITY

All whistles hereafter installed or any changes hereafter made in any drainage ditches in violation of this Chapter may be removed or corrected by the City. The expense of such removal or correction shall be charged to the property owner of the person or firms responsible for such changes, provided however, demand to remove such whistle or correct such changes is first served personally upon such person or the occupant of the property intended to be benefited by such changes twenty-four (24) hours before the City proceeds with such removal or correction works. All such expenses of the City will be collectable as any other debt owing the City.

CHAPTER 3
SIDEWALKS, ADJACENT IMPROVEMENTS

Section 14-301	**Permits for Improvements**
Section 14-302	**Permitted Structures**
Section 14-303	**Rights Granted Revocation**
Section 14-304	**Existing Improvements**
Section 14-305	**Penalty**

SECTION 14-301 PERMITS FOR IMPROVEMENTS

Permits may be granted to any and all persons, firms or corporations to improve, modernize and beautify their store buildings or fronts and the limited use of sidewalks, streets and alleys for this purpose may be granted.

SECTION 14-302 PERMITTED STRUCTURES

Any and all business property owners or tenants may construct overhangs, porches, signs or canopies over the sidewalks, streets or alleys and use pillars, posts or like supporting columns, provided that he improvements, but on or above the sidewalks, streets or alleys shall not be made until prior permit is given by a majority vote of the City Council. The City Council shall in considering the permit have the advice of the street superintendent as to avoid any improper or dangerous use of sidewalks, streets, or alleys. After approval or consent is given such constructions or improvements shall not constitute an offense against the City, but where there is no City Council approval any and all such construction and improper use of sidewalks, streets, or alleys shall remain an offense as provided by ay and all resolutions or ordinances in force and effect in the City.

SECTION 14-303 RIGHTS GRANTED REVOCATION

Issuance by the City Council of a permit shall in no way vest any permanent rights to the permit holders. All permits shall be revocable by the City Council by a majority vote and permit holders shall have thirty (30) days to remove any improvements at the permit holders' expense.

SECTION 14-304 EXISTING IMPROVEMENTS

All persons, firms, or corporations which at the time of passage of this Chapter have made improvements as set out in this Chapter shall have a grace period of thirty (30) days to comply.

Failure to comply within thirty (30) days shall constitute an offense against the City and in addition to penalties provided herein, the City shall have the improvements removed at the expense of the violator.

SECTION 14-305 PENALTY

Any persons, firm or corporation who shall violate any provision of this Chapter by doing any act prohibited or declared to be unlawful thereby, or declared to be an offense or misdemeanor thereby, or who shall failure to do any act required by any such provision, or who shall fail to do any act such

provision declares such failure to be unlawful or to be an offense or misdemeanor shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided by Section 1-108 of this Code.

CHAPTER 4
CLOSING PUBLIC WAYS AND EASEMENTS

Section 14-401 **Procedure and Notice for Closing Ways and Easements**
Section 14-402 **Additional Notice to Abutting Owners Where Open and Used by Public**
Section 14-403 **Publication**

SECTION 14-401 PROCEDURE AND NOTICE FOR CLOSING WAYS AND EASEMENTS

The City shall cause notice of any proposed closing of any public way or easement to be given in the same manner as provided for service of process in civil actions to:

1. The Board of County Commissioners; and

2. Any holder of a franchise and others having a special right or privilege granted by Ordinance or legislative enactment to use the platted tract or portion thereof sought to be vacated.

SECTION 14-402 ADDITIONAL NOTICE TO ABUTTING OWNERS WHERE OPEN AND USED BY PUBLIC

If the vacation of a public way that is opened and used by the public, notice shall also be given by mailing of a notice to the owners of record, as shown by the current year's tax rolls in the office of the County Treasurer of property abutting and within three hundred (300) feet in each direction from the public way or that part sought to be vacated.

SECTION 14-403 PUBLICATION

Notice shall be published one time at least thirty (30) days prior to the date of presentation of the vacation to the City Council.

PART 15
TRAFFIC AND VEHICLES

CHAPTER 1
GENERAL PROVISIONS AND ADMINISTRATION

Section 15-101	Definitions
Section 15-102	Application of Regulations
Section 15-103	Vehicle Equipment Generally
Section 15-104	Size, Weight, and Width of Vehicles - Permit Required
Section 15-105	Securing Loads
Section 15-106	Inspection of Vehicles by Officers
Section 15-107	Opening and Closing Vehicle Doors
Section 15-108	Boarding or Alighting from Vehicles
Section 15-109	Unlawful Riding
Section 15-110	Authorizing or Permitting Violations Prohibited
Section 15-111	Application to Animal-Drawn Vehicles
Section 15-112	Working on Streets; Exceptions
Section 15-113	Authorized Emergency Vehicles
Section 15-114	Approach of Authorized Emergency Vehicles
Section 15-115	Following Fire Apparatus Prohibited
Section 15-116	Crossing Fire Hose
Section 15-117	Duty of Police
Section 15-118	Accidents, Duty to Stop, Leaving Scent of Accident
Section 15-119	Issuance of Citation Tags
Section 15-120	Failure to Obey Citation
Section 15-121	Failure to Comply with Traffic Citations Attached to Parked Vehicle
Section 15-122	Illegal Cancellation of Traffic Citations
Section 15-123	Disposition of Records of Traffic Citations, Warrants, and Complaints
Section 15-124	Court Records, Abstract to be sent to State Department of Public Safety
Section 15-125	Eluding Police Officer Prohibited
Section 15-126	Adoption of State Traffic Code
Section 15-127	Insurance or Certificate Required

CHAPTER 2
OPERATION OF VEHICLES GENERALLY, PARKING AND SPEEDING

ARTICLE A
GENERAL PROVISIONS

Section 15-201	Operation of Vehicles Generally
Section 15-202	Driver=s License Required
Section 15-203	Vehicle License Required
Section 15-204	Unlicensed Vehicles
Section 15-205	Starting a Parked Vehicle
Section 15-206	Drive on Right Side of Roadway; Exceptions
Section 15-207	Right-of-Way Generally
Section 15-208	Vehicle Turning Left

Section 15-209 Driving Under the Influence of Intoxicating Liquor or Narcotics
Section 15-210 Driving on Sidewalk
Section 15-211 Limitations on Backing
Section 15-212 Corner Cutting
Section 15-213 Emerging from Alley, Driveway or Building
Section 15-214 Transporting Hazardous, Toxic Materials in City Prohibited
Section 15-215 Full time and Attention to Driving
Section 15-216 New Drivers Prohibited from Using a Hand-Held Electronic Device while Operating a Motor Vehicle

ARTICLE B
SPEEDING REGULATIONS

Section 15-217 General Rule for Speed Regulations
Section 15-218 General Maximum Speed Limit

ARTICLE C
PARKING REGULATIONS

Section 15-219 Obstructing Traffic or Driveways
Section 15-220 Park within Indicated Space
Section 15-221 Proximity to Curb, Parallel Parking
Section 15-222 Angle Parking, Designation
Section 15-223 Obedience to Angle Parking Rules
Section 15-224 Parking Prohibitions in Specific Areas
Section 15-225 Parking Prohibitions on Certain Streets, more than Twenty-Four (24) Hours
Section 15-226 Designation of Loading Zones
Section 15-227 Standing in Loading Zone
Section 15-228 Prohibition against Selling Merchandise from Parked Vehicles
Section 15-229 Presumption in Reference to Illegal Parking
Section 15-230 Handicapped Parking, Enforcement on Public or Private Property
Section 15-231 Stopping, Standing or Parking Outside of Business or Residence Districts
Section 15-232 Parking More than Two (2) Hours on Main Street Prohibited
Section 15-233 Negligent Parking

ARTICLE D
TURNING AND SIGNALS

Section 15-234 Required Position, Method of Turning at Intersections
Section 15-235 Turns and U-Turns
Section 15-236 Turning, Stopping Signals Required
Section 15-237 J-Turns

CHAPTER 3
TRAFFIC SIGNALS AND DEVICES

Section 15-301 Obedience to Devices
Section 15-302 Necessity of Signs
Section 15-303 Interference with Devices, or Signs or Signals
Section 15-304 Presumption of Legality
Section 15-305 Ratification of Existing Devices
Section 15-306 Traffic-Control Signal Legend
Section 15-307 Flashing Signals
Section 15-308 Driving within Traffic Lanes
Section 15-309 One-Way Streets, Alleys Designation
Section 15-310 Designation of Through Streets
Section 15-311 Signs at Through Streets
Section 15-312 Procedures at Stop Signs
Section 15-313 Procedures at Yield Signs

CHAPTER 4
BICYCLES

Section 15-401 Regulations Applicable Generally
Section 15-402 Traffic Laws and Regulations Apply
Section 15-403 Obedience to Traffic-Control Devices
Section 15-404 Riding on Bicycles
Section 15-405 Use Right Side of Roadway
Section 15-406 Riding Abreast
Section 15-407 Speed
Section 15-408 Riding on Sidewalks
Section 15-409 Lights and Reflectors

CHAPTER 5
IMPOUNDMENT OF VEHICLES

Section 15-501 Purpose and Effect of Impoundment Provisions
Section 15-502 Place of Impoundment
Section 15-503 Duration of Impoundment
Section 15-504 Police Granted Authority to Impound Vehicles
Section 15-505 Disabled Vehicles
Section 15-506 Vehicles on Bridge
Section 15-507 Arrest and Detention of Driver of Vehicle
Section 15-508 Vehicle Constitutes Traffic Hazard
Section 15-509 Illegal Trespass by Vehicle
Section 15-510 Vehicles Parked Overtime
Section 15-511 Vehicles Blocking Fire Exits or Hydrants
Section 15-512 Vehicles Parked in Intersection
Section 15-513 Stolen Vehicles; Recovery by Police
Section 15-514 Vehicles with Outstanding Traffic Citations
Section 15-515 Inventory of Impounded Vehicles

CHAPTER 6
PENALTIES

Section 15-601 Penalty for Violations

CHAPTER 7
SEAT BELT AND CHILD PASSENGER RESTRAINTS

Section 15-701 Mandatory use of Seat Belts
Section 15-702 Child Passenger Restraints Required

CHAPTER 1
GENERAL PROVISIONS AND ADMINISTRATION

Section 15-101	**Definitions**
Section 15-102	**Application of Regulations**
Section 15-103	**Vehicle Equipment Generally**
Section 15-104	**Size, Weight, and Width of Vehicles - Permit Required**
Section 15-105	**Securing Loads**
Section 15-106	**Inspection of Vehicles by Officers**
Section 15-107	**Opening and Closing Vehicle Doors**
Section 15-108	**Boarding or Alighting from Vehicles**
Section 15-109	**Unlawful Riding**
Section 15-110	**Authorizing or Permitting Violations Prohibited**
Section 15-111	**Application to Animal-Drawn Vehicles**
Section 15-112	**Working on Streets; Exceptions**
Section 15-113	**Authorized Emergency Vehicles**
Section 15-114	**Approach of Authorized Emergency Vehicles**
Section 15-115	**Following Fire Apparatus Prohibited**
Section 15-116	**Crossing Fire Hose**
Section 15-117	**Duty of Police**
Section 15-118	**Accidents, Duty to Stop, Leaving Scent of Accident**
Section 15-119	**Issuance of Citation Tags**
Section 15-120	**Failure to Obey Citation**
Section 15-121	**Failure to Comply with Traffic Citations Attached to Parked Vehicle**
Section 15-122	**Illegal Cancellation of Traffic Citations**
Section 15-123	**Disposition of Records of Traffic Citations, Warrants, and Complaints**
Section 15-124	**Court Records, Abstract to be sent to State Department of Public Safety**
Section 15-125	**Eluding Police Officer Prohibited**
Section 15-126	**Adoption of State Traffic Code**
Section 15-127	**Insurance or Certificate Required**

SECTION 15-101 DEFINITIONS

For the purpose of this part, the following words and phrases shall have the meanings respectively ascribed to them. However, for any words and phrases used in this part which are not defined in this Section, but are defined in the laws of the state regulating traffic, the definition in the laws of the state shall be deemed to apply to the words and phrases used in this part:

1. "Alley" means a public passageway or street which affords only secondary means of vehicular access to abutting property, and having no legal or official name other than alley;

2. "Bicycle" means every device propelled by human power upon which any person may ride, having two (2) or three (3) tandem wheels any of which is more than twenty (320) inches in diameter;

3. "Commercial Vehicle" means every vehicle designed, maintained, or used primarily

for the transportation of property;

4. "Curb Loading Zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials;

5. "Drive" means every person who drives or is in actual physical control of a vehicle;

6. "Emergency Vehicles" means vehicles of Fire Departments, police vehicles and ambulances;

7. "Intersection" means the area embraced within the lateral boundary lines of the roadways of two (2) streets or highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets or highways joining at any other angle may come in conflict;

8. "Laned Roadway" means a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic;

9. "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor;

10. "Motor Vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails;

11. "Official Time Standard" means that whenever certain hours are named herein they shall mean standard time or daylight-saving time as may be in current use in this City;

12. "Official Traffic-Control Devices" means all signs, signals, markings and devices not inconsistent with this Code placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic;

13. "Park or Parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;

14. "Pedestrian" means any person afoot;

15. "Police Officer" means any officer of the City Police Department or any other Officer authorized by law to direct or regulate traffic or to make arrests for violations of traffic regulations;

16. "Private Road or Roadway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons;

17. "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails;

18. "Railroad Train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;

19. "Right-of-Way" means the privilege of the immediate use of the roadway;

20. "Roadway" means that portion of a street improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a street includes two (2) or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively;

21. "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for use of pedestrians;

22. "Stand or Standing" means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers;

23. "Stop" means, when required, complete cessation from movement. When prohibited, stop or stopping means any halting, even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal;

24. "Street or Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel;

25. "Through Street" means every street or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting streets is required by law to yield right-of-way to vehicles on such through street in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this part;

26. "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any street for purposes of travel;

27. "Traffic-Control Signal" means any device, whether manually, electrically, or mechanically operated by which traffic alternately is directed to stop and permitted to proceed; and

28. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

State Law Reference: Definitions, state traffic laws, 47 O.S. Sections 1-101 et seq.

SECTION 15-102 APPLICATION OF REGULATIONS

The provisions of this part shall apply to every street, highway, alley, roadway, sidewalk, driveway, park area, every other public way, either within or outside the corporate limits of the City, the use of which the City has jurisdiction and authority to regulate, including, but not limited to:

1. Those dedicated to or acquired by the public for public use;

2. Those upon land owned by the City;

3. Those upon land owned by any other governmental unit, but the regulations of the use of which has been given to the City; and

4. Those upon private property, the regulation of the use of which has been given to the City.

SECTION 15-103 VEHICLE EQUIPMENT GENERALLY

1. Operate a vehicle upon a street of the City shall be equipped as required by law;

2. Fail to use such equipment in the manner required by law, or to use it in a manner prohibited by law; or

3. Operate a vehicle which has equipment prohibited by law upon a street in the City.

State Law Reference: Equipment of vehicles, Okla. Stat. Ann. Tit 47, Sections 12-101, et seq.

SECTION 15-104 SIZE, WEIGHT, AND WIDTH OF VEHICLES - PERMIT REQUIRED

A. No person shall drive on or convey upon State Highway 11 or within one (1) block of said Highway 1, or Chestnut, or 8th Street, in any vehicle, the width, height, length, weight, or load of which exceeds that authorized by State law, except in accordance with a permit issued by State authority, the Chief of Police, or the Mayor.

B. With the exception of those City streets identified in Paragraph A above, no person shall drive or convey through any street in the City, any vehicle where the width, height, or length exceeds that authorized by State law or where the load exceeds three (3) tons per axle. An axle load shall be defined as the total on all wheels whose centers may be included between two (2) parallel transverse vertical planes. The Chief of Police or Mayor may issue a permit for vehicles weighing in excess of the above limitations where it can be determined that the weigh of the vehicle will not cause damage to the road or street given its condition and the current weather conditions. The Mayor may require the posting of a bond in an amount sufficient to (3) tons per axle. An axle load shall be defined as the total on all wheels whose centers may be included between two (2) parallel transverse vertical planes. The Chief of Police or Mayor may issue a permit for vehicles weighing in excess of the above limitations where it can be determined that the weight of the vehicle will not cause damage to the road or street given its condition and the current weather conditions. The Mayor may require the posting of a bond in an amount sufficient to cover all possible damages which could occur

where the weight is in excess of the limitations imposed by State law.

C. With the exception of those City streets identified in Paragraph A above, no person shall park any Truck-Tractor (as hereinafter defined) with an attached Semitrailer (as hereinafter defined) upon any street or alley within the corporate limits of the City of Shidler for a period of time in excess of one (1) hour. For purposes of this Paragraph a "Truck-Tractor" shall mean every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn, and a "Semitrailer" shall mean every vehicle with or without motor power designed for carrying property and for being drawn by a Truck-Tractor so that some parts of the trailer's weight and that of its load rests upon or is carried by a Truck-Tractor. As an exception to the one (1) hour parking limitation, a person my park a Truck-Tractor with attached Semitrailer on a street or ally while the Semitrailer is actually engaged in loading or unloading merchandise or materials. Any violation of this Code Section is unlawful and an offense and the Truck-Tractor and Semitrailer may be impounded, towed and stored by Authority of the Police Department as a traffic obstruction hazard.

SECTION 15-105 SECURING LOADS

A. No vehicle shall be driven or moved on any street or alley unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand or salt may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining the roadway.

B. No person shall operate on any street or alley any vehicle with any load unless the load, and any covering thereon is securely fastened so as to prevent the covering of load from becoming loose, detached or in any manner a hazard to other users of the streets or alleys.

C. This Section shall not apply to trucks loaded only with livestock, poultry, or agricultural products, except baled agricultural products, but any such truck shall be constructed or loaded as to prevent the livestock or poultry from escaping therefrom.

SECTION 15-106 INSPECTION OF VEHICLES BY OFFICERS

Police Officers have authority to inspect and test any vehicle upon the streets of the City at any time to determine whether it is safe, whether it is properly equipped, and whether its equipment is in proper adjustment or repair.

SECTION 15-107 OPENING AND CLOSING VEHICLE DOORS

No person shall open the door of a motor vehicles on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

State Law Reference: Similar provisions, 47 O.S. Section 11-1105.

SECTION 15-108 BOARDING OR ALIGHTING FROM VEHICLES

No person shall board or alight from any vehicle while such vehicle is in motion.

SECTION 15-109 UNLAWFUL RIDING

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

SECTION 15-110 AUTHORIZING OR PERMITTING VIOLATIONS PROHIBITED

No person shall authorize or knowingly permit a vehicle owned by him, registered in his name or under his control to be driven, parked, or stopped in violation of any provision of this part. No parent of any child or guardian of any ward shall cause, authorize or knowingly permit such child or ward to violate any provision of this part.

SECTION 15-111 APPLICATION TO ANIMAL-DRAWN VEHICLES

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this part applicable to the driver of any vehicle except those provisions of this part, which by their very nature, can have no application.

State Law Reference: Similar provisions, 47 O.S. Section 11-104.

SECTION 15-112 WORKING ON STREETS; EXCEPTIONS

A. City employees or contractors, while repairing or improving the streets of the City, and utility company personnel, when installing, improving, or repairing lines or other utility facilities in the streets, are hereby authorized as necessary, subject to control by the City Council, to close any street or Section thereof to traffic during such repair, maintenance, or construction. In exercising such authority, the employees, personnel, or contractors shall erect or cause to be erected proper control devices and barricades to warn and notify the public that the street has been closed to traffic.

B. When any street has been closed to traffic under the provisions of Subsection A and traffic-control devices or barricades have been erected, it is unlawful for any person to drive any vehicle through, under, over, or around the traffic-control devices or barricades, or otherwise to enter the closed area. The provisions of this subsection shall not apply to persons while engaged in the construction, maintenance, and repair, or to persons entering therein for the protection of lives or property. Persons having their places of residence or places of business within the closed area may travel, when possible to do so, through the area at their own risk.

C. Whenever construction, repair, or maintenance of any street or utility line or facility is being performed under traffic, the employees, personnel, or contractor concerned shall erect, or cause to be erected, traffic-control devices to warn and guide the public; and every person using the street shall obey all signs, signals, markings, flagmen, or other traffic-control

devices which are placed to regulate, control, and guide traffic through the construction or maintenance area.

SECTION 15-113 AUTHORZIED EMERGENCY VEHICLES

The provisions of this part shall not apply to a driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to, but not upon returning, from a fire alarm. The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of the vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle. These provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

State Law Reference: Similar provisions, 47 O.S. Section 11-106.

SECTION 15-114 APPROACH OF AUTHORIZED EMERGENCY VEHICLES

Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the drier of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a Police Officer.

State Law Reference: Similar provisions, 47 O.S. Section 11-405.

SECTION 15-115 FOLLOWING FIRE APPARATUS PROHIBITED

The driver of any vehicle other than on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into a park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

State Law Reference: Similar provisions, 47 O.S. Section 11-1108(a).

SECTION 15-116 CROSSING FIRE HOSE

No vehicle shall be driven over any unprotected hose of a Fire Department when laid down on ay street or private driveway, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

State Law Reference: Similar provisions, 47 O.S. Section 11-1109.
Cross Reference: Interference with fire services, Section 11-108 of this Code.

SECTION 15-117 DUTY OF POLICE

The Police Department shall have the power to enforce the street traffic regulations of this City and all of the State vehicle laws applicable to street traffic in this City, to make arrests for traffic violations, to investigate accidents and to cooperate with the officers of the City in the administration of the traffic laws and in developing ways and means to improve traffic conditions. Officers of the Fire Department, when at the scene of a fire or other emergency, may direct or assist the Police in directing traffic there or in the immediate vicinity.

SECTION 15-118 ACCIDENTS, DUTY TO STOP, LEAVING SCENE OF ACCIDENT

A. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or property shall immediately stop his vehicle at the scene of such accident, or as close thereto as possible, return to and remain at the scene of the accident until he has given his name, address and the registration of his vehicle and shall upon request exhibit his driver's license to the person injured or the driver or occupant of, or person attending, any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying or making arrangement for the carrying of such persons to a physician, surgeon, or hospital for medical and surgical treatment if it is apparent that this treatment is necessary, or if such is requested by the injured person. Each such stop shall be made without obstructing traffic more than is necessary.

B. The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or in which it is apparent that damage to one vehicle or to the property is in excess of Three Hundred Dollars ($300.00) shall, as soon as practicable, report such accident to a police officer or to the Police Department. If a driver makes out a written report of the accident in the office of the Police Department as soon as practicable after the accident, which report is to be forwarded to the State Department of Public Safety in accordance with State law, the driver shall be deemed to be in compliance with this Section.

C. Any person failing to stop or to comply with any of the requirements of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be fined as provided in Section 1-108 of this Code.

State Law Reference: Accident reports, 47 O.S. Sections 10-101 et seq.

SECTION 15-119 ISSUANCE OF CITATION TAGS

A. The Chief of Police is hereby authorized and directed to supply police officers with citation tags in sets, each set consisting of an original and at least two (2) duplicate copies, for the purpose of giving notice to persons violating any provision of this part.

B. Notice may be given by delivering the tags to the violator or by affixing it to the vehicle involved in the violation.

C. Each citation tag shall direct the violator to appear and to present such tag at a designated place on or before a date and hour specified thereon. Each tag shall bear the registration number of the vehicle.

D. Nothing in this Section shall be construed to abridge the power of a Police Officer to arrest any violator and take him into custody.

E. The City Council may require that the Police Officers use citation tags furnished by the finance department and that such tags are serially numbered and may regulate the use and handling of the citation tags.

SECTION 15-120 FAILURE TO OBEY CITAITON

It is unlawful and an offense for any person to violate his written promise to appear, given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which citation was originally issued.

SECTION 15-121 FAILURE TO COMPLY WITH TRAFFIC CITATIONS ATTACHED TO PARKED VEHICLE

If a violator of the restrictions on stopping, standing, or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of five (5) days, the Clerk of the Municipal Court may send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five (5) days, a warrant of arrest may be issued. On any occasion where two (2) or more such traffic citations have been affixed on the same motor vehicle and the traffic citations have been disregarded a warrant of arrest may be issued without sending the letter provided in this Section.

SECTION 15-122 ILLEGAL CANCELLATION OF TRAFFIC CITAITONS

It is unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than is provided by this Chapter.

SECTION 15-123 DISPOSTION AND RECORDS OF TRAFFIC CITATIONS, WARRANTS AND COMPLAINTS

A. Every Police Officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this State or any traffic law of this City shall deposit the original and a duplicate copy of the citation with his immediate superior Officer, who shall cause the original to be delivered to the Municipal Court.

B. Upon the filing of the original citation in the Municipal Court, the citation may be disposed of only by trial in the court or by other official action by a Judge of the Court, including forfeiture of bail or by payment of a fine.

C. The Chief of Police shall maintain a record of all warrants issued by the Municipal Court which are delivered to the Police Department for service, and of the final disposition of the warrants.

D. No member of the Police Department or other officer or public employee shall dispose of, alter, or deface a traffic citation or any copy thereof, or the record of the issuance or

disposition of any traffic citation, complaint, or warrant, in a manner other than as required in this Chapter.

SECTION 15-124 COURT RECORDS; ABSTRACT TO BE SENT TO STATE DEPARTMENT OF PUBLIC SAFETY

A. The Municipal Court Clerk shall keep a record of every traffic citation deposited with or presented to the court and shall keep a record of every official action by the court or its traffic violations bureau in reference thereto, including, but not limited to, a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture.

B. Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this Chapter or other law regulating the operation of vehicles on highways, the municipal judge or Clerk of the court in which the conviction was had or bail was forfeited shall prepare and immediately forward to the State Department of Public Safety, a certified abstract of the court's record of the case. An abstract need not be made of any conviction involving the illegal parking or standing of a vehicle.

C. The abstract must be made upon a form furnished by the State Department of Public Safety and shall include the name and address of the party charged, the number of his operator's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, whether bail was forfeited, and the amount of other fine or forfeiture.

SECTION 15-125 ELUDING POLICE OFFICER PROHIBITED

No person operating a motor vehicle who has received a visual or audible signal directing the operator to bring his vehicle to a stop shall willfully increase his speed or extinguish his lights or in any other manner attempt to or actually elude such law enforcement Officer. A visual or audible signal for the purpose of this Section means a red light and a siren from a law enforcement Officer driving a motor vehicle with insignia showing the same to be an official Police, Sheriff, or highway patrol car.

SECTION 15-126 ADOPTION OF STATE TRAFFIC CODE

There is hereby adopted by reference all of the provisions of Chapters 10, 11, 12, 13, and 14 of the Oklahoma Highway Safety Code, all as found in Title 47 of the Oklahoma Statutes except §§12-413 through 12-415 of Title 47, as more specifically hereinafter set out. All of these provisions are hereby made a part of the traffic ordinance of the City. All of the provisions found in these Chapters are hereby vitalized as provided in the laws by this Section, specific reference to which is hereby made as well as all subsequent amendments to the laws, and all of the laws as well as amendments thereto shall be in full force and effect within the City insofar as the same are not modified by other provisions in subsequent Ordinances. To the extent that the Oklahoma Highway Safety Code provides for seatbelt requirements and enforcement thereof in §§12-413 through 12-415 of Title 47, those Sections are specifically excluded herefrom. (Ord. No. 92-9-1, 9/1/92)

SECTION 15-127 INSURANCE OR CERTIFICATE REQUIRED

A. The owner of a motor vehicle registered in this State and operating the vehicle within the City's boundaries, shall carry in such vehicle at all times, a current owner's security verification form listing the vehicle, or an equivalent form which has been used by the State Department of Public Safety which shall be produced by any driver thereof upon request for inspection by any law enforcement Officer and, in case of a collision, the form shall be shown upon request to any person affected by the collision.

B. The following shall not be required to carry an owner's or operator's security verification form or an equivalent form from the department during operation of the vehicle and shall not be required to surrender such form for vehicle registration purposes:

1. Any vehicle owned or leased by the federal or state government, or any agency or political subdivision thereof;

2. Any vehicle bearing the name, symbol or logo of the business, corporation or utility on the exterior and which is in compliance with the Compulsory Insurance Law according to records of the Department of Public Safety which reflect a deposit, bond, self-insurance, or fleet policy;

3. Any vehicle authorized for operation, under a permit number issued by the Interstate Commerce Commission, or the Oklahoma Corporation Commission;

4. Any licensed taxicab; and,

5. Any vehicle owned by a licensed motor vehicle dealer.

C. For the purpose of this Section, the following terms shall have the meanings respectively ascribed to them in this Section:

1. "Owner's Policy" means an owner's policy of liability insurance which:

a. Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted;

b. Shall insure the person named therein and insure any other person, except as provided in Subparagraph C of this paragraph, using an insured vehicle with the express or implied permission of the named insured against loss from the liability imposed by law for damages arising out of the ownership, maintenance, operation or use of such vehicle;

c. May provide for exclusions from coverage in accordance with existing laws;

d. Shall be issued by an authorized carrier providing coverage in accordance with Section 7-204 of Title 47 of the Oklahoma Statutes;

2. "Operator's Policy" means an operator's policy of liability insurance which shall

insure the named person against loss form the liability imposed upon him by law for damages arising out of the operation or use by him of any motor vehicle not owned by him, subject to the same limits of liability required in an owner's policy;

3. "Security" means:

   a. A policy or bond meeting the requirements of Section 7-204 of Title 47 of the Oklahoma Statues;

   b. A deposit of cash or securities having the equivalency of limits required under Section 7-204 of Tile 47 of the Oklahoma Statutes as acceptable limits for a policy or bond; or

   c. Self-insurance, pursuant to the provisions of Section 7-503 of Title 47 of the Oklahoma Statutes, having the equivalency of limits required under Section 7-204 of Title 47 of the Oklahoma statutes as acceptable limits for a policy or bond;

4. "Compulsory Insurance Law" means the law requiring liability insurance in conjunction with the operation of a motor vehicle in this state as found in Article VI, Chapter 7, and Section 7-606 of Title 47 of the Oklahoma Statutes; and

5. "Security Verification Form" means a form, approved by the State Board for Property and Casualty Rates, verifying the existence of security required by the Compulsory Insurance Law of the State of Oklahoma.

D. Every operator of a motor vehicle registered in this state, shall while operating or using such vehicle within the City's boundaries, carry either an operator's or an owner's security verification form issued by a carrier, providing the operator is not excluded from coverage thereon; or an equivalent form issued by the Department of Public Safety, reflecting liability coverage.

E. An owner or operator who fails to produce for inspection a valid and current security verification form or equivalent form which has been issued by the department upon request of any peace Officer of the department shall be guilty of a misdemeanor and upon conviction shall be subject to a fine as provided in Section 1-108 of this Code.

F. A sentence imposed for any violation of this Section may be suspended or deferred in whole or in part by the court.

G. Any person producing proof in court that a current security verification form or equivalent form which has been issued by the department reflecting this liability coverage for such person was in force at the time of the alleged offense shall be entitled to dismissal of such charge.

H. Upon conviction, bond forfeiture or deferral of sentence, the court Clerk shall forward an abstract to the State Department of Public Safety within ten (10) days reflecting the action taken by the court.

CHAPTER 2
OPERATION OF VEHICLES GENERALLY, PARKING AND SPEEDING

ARTICLE A
GENERAL PROVISIONS

Section 15-201	**Operation of Vehicles Generally**
Section 15-202	**Driver's License Required**
Section 15-203	**Vehicle License Required**
Section 15-204	**Unlicensed Vehicles**
Section 15-205	**Display of Inspection Sticker**
Section 15-206	**Starting a Parked Vehicle**
Section 15-207	**Drive on Right Side of Roadway; Exceptions**
Section 15-208	**Right-of-Way Generally**
Section 15-209	**Vehicle Turning Left**
Section 15-210	**Driving Under the Influence of Intoxicating Liquor or Narcotics**
Section 15-211	**Driving on Sidewalk**
Section 15-212	**Limitations on Backing**
Section 15-213	**Corner Cutting**
Section 15-214	**Emerging from Alley, Driveway or Building**
Section 15-215	**Transporting Hazardous, Toxic Materials in City Prohibited**
Section 15-216	**Full time and Attention to Driving**
Section 15-217	**New Drivers Prohibited from Using a Hand-Held Electronic Device while Operating a Motor Vehicle**

SECTION 15-201 OPERATION OF VEHICLES GENERALLY

Every person operating a vehicle in the City shall at all times operate the vehicle in a prudent and careful manner and in compliance with the laws of the City and State, having due regard for other vehicles, rights of pedestrians, and property of others.

State Law Reference: State Rules of the Road, 47 O.S. Sections 11-101, et seq.

SECTION 15-202 DRIVER'S LICENSE REQUIRED

It is unlawful for any person who does not have a driver's license as required by State law for operation of a vehicle upon the state highways, to operate a motor vehicle within the City, or to operate a motor vehicle within the City in violation of any restriction applied to the driver's license.

State Law Reference: Drivers Licenses, 47 O.S. Section 6-101, et seq.

SECTION 15-203 VEHICLE LICENSE REQUIRED

No person shall drive, propel, move, or park on the streets of this City any motor vehicle, trailer, or semi-trailer unless the motor vehicle, trailer, or semi-trailer is licensed as required by State law and the license is conspicuously displayed thereon.

SECTION 15-204 UNLICENSED VEHICLES

It is unlawful for any person to park any motor vehicle not bearing a current motor vehicle license tag or tags on any street or highway within the City.

SECTION 15-205 STARTING A PARKED VEHICLE

No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made in safety.

SECTION 15-206 DRIVE ON RIGHT SIDE OF ROADWAY; EXCEPTIONS

Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement; or,

2. When the right half of a roadway is closed to traffic while under construction or repair.

Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane when available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

State Law Reference: Similar provisions, 47 O.S. Section 11-301.

SECTION 15-207 RIGHT-OF-WAY GENERALLY

The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection from a different street, provided that the drive of a vehicle on a street which is not a State or Federal highway approaching an intersection with a State or Federal highway shall stop and yield the right-of-way to a vehicle which has entered the intersection or which is so close thereto as to constitute an immediate hazard. When two (2) vehicles enter or approaches an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

SECTION 15-208 VEHICLE TURNING LEFT

The driver of a vehicle within an intersection intending to turn left shall yield the right-of-way to any vehicle approaching form the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard; but the driver, having so yielded and having given a signal when and as required by this part, may make such left turn, and the drivers of all other vehicles approaching the intersection from such opposite direction shall yield the right-of-way to the vehicle making the left turn.

State Law Reference: Similar provisions, 47 O.S. Section 11-402.

SECTION 15-209 DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTICS

A. It is unlawful for any person who is under the influence of intoxicating liquor to drive, operate, or be in actual physical control of any motor vehicle within this City.

B. It is unlawful for any person who is a habitual user of or under the influence of any narcotic drug, barbiturate, amphetamine, marijuana, or who is under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle to drive a motor vehicle within this City. The fact that any person charged with a violation of this subsection is or has been lawfully entitled to use such narcotic drug, barbiturate, amphetamine, marijuana, or other drug shall not constitute a defense against any charge of violating this paragraph.

State Law References: Similar provisions, 47 O.S. Section 11-902.

SECTION 15-210 DRIVING ON SIDEWALK

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

SECTION 15-211 LIMITATIONS ON BACKING

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

SECTION 15-212 CORNER CUTTING

No person shall drive a vehicle through any service drive or upon any parking facility except with the intent of availing himself or herself of the services offered on the premises served by the service drive or parking facility. No person shall drive a vehicle through any service drive or across any parking facility for the purpose of shortening their travel distance, avoiding a traffic-control device, avoiding using the streets for travel, or turning a vehicle so as to proceed in opposite direction on the street from which it entered the drive.

SECTION 15-213 EMERGING FROM ALLEY, DRIVEWAY OR BUILDING

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

State Law Reference: Similar provisions, 47 O.S. Section 11-704.

SECTION 15-214 TRANSPORTING HAZARDOUS, TOXIC MATERIALS IN CITY

PROHIBITED

A. It is unlawful for any person, partnership, or corporation to haul, load, unload, transport, or cause to be hauled, loaded, unloaded, or transported in ay manner, any hazardous toxic or highly toxic substance, over, across, or upon any street, alley, or highway within the corporate City limits. However, any hazardous substance which is being hauled or transported through the limits but remains on U.S. Highway 75 and does not stop within the City limits is exempted from the purview of this Section.

B. For the purposes of this Section, "hazardous substance" means:

1. Any substance or mixture of substances intended or suitable for household use which is:

   a. Toxic;

   b. Corrosive;

   c. An irritant;

   d. A strong sensitizer;

   e. Flammable; or

   f. Generates pressure through decomposition, heat, or other means, if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children;

2. Any substances which the State Department of Health by regulation finds, pursuant to the provisions of Section 1602(a), Title 63, of the Oklahoma Statutes, meet the requirements of Paragraph 1 of this Subsection B; and,

3. Any radioactive substance, if, with respect to such substances as used in a particular class of article or as packaged, the Council determines by regulation that the substance is sufficiently hazardous to require labeling in accordance with this Section in order to protect the public health.

C. The term "hazardous substance" shall not include or apply to:

1. Economic poisons subject to the provisions of Section 3-63, Title 2, of the Oklahoma Statutes;

2. Foods subject to the provisions of Title 63;

3. Drugs and cosmetics subject to the provisions of Title 63 of the Oklahoma Statutes;

4. Substances intended for use as fuels when stored in containers and used in hearting, cooking, or refrigeration system of a house; and,

5. Any source material, special nuclear material, or by-product material as defined in the act of Congress known as the Atomic Energy Act of 1954, as amended, and regulations issued pursuant thereto by the Atomic Energy Commission.

D. The term "toxic" applies to any substance (other than a radioactive substance) which has the capacity to produce personal injury or illness to man through ingestion, inhalation, or absorption through any body surface.

E. The term "highly toxic" means any substance which falls within any of the following categories:

1. Produces death within fourteen (14) days in half or more than half of a group of ten (10) or more laboratory white rates each weighing between two hundred (200) and three hundred (300) grams, at a single dose of fifty (50) milligrams or less per kilogram of body weight, when orally administered;

2. Produces death within fourteen (14) days in half or more than half of a group of ten (10) or more laboratory white rats each weighing between two hundred (200) and three hundred (300) grams, when inhaled continuously for a period of one hour or less at an atmospheric concentration of two hundred (200) parts per million by volume or less of gas or vapor or two (2) milligrams per liter by volume or less of mist or dust, provided such concentration is likely to be encountered by man when the substance is used in any reasonably foreseeable manner;

3. Produces death within fourteen (14) days in half or more than half of a group of ten (10) or more rabbits tested in a dosage of two hundred (200) milligrams or less per kilogram of body weight, when administered by continuous contact with the bare skin for twenty-four (24) hours or less; or

4. If the state department of health finds that available data on human experience with any substance indicates results different from those obtained on animals, in the above-named dosages or concentrations the human data shall take precedence.

F. The term "corrosive" means any substance which comes in contact with living tissue will cause destruction of tissue by chemical action but shall not refer to action or inanimate surfaces.

G. The term "irritant" means any substance not corrosive which will cause on normal living tissue through an allergic or photodynamic process a hypersensitivity which becomes evident on reapplication of the same substance and which is designated as such by the Board. Before designating any substance as a strong sensitizer, the Oklahoma State Department of Health, upon consideration of the frequency of occurrence and severity of the reaction, shall find that the substance has a significant potential for causing hypersensitivity.

H. The term "strong sensitizer" means a substance which will cause on normal living tissue

through an allergic or photodynamic process, a hypersensitivity which becomes evident on reapplication of the same substance and which is designated as such by the Board. Before designating any substance as a strong sensitizer, the Oklahoma State Department of Health, upon consideration of the frequency of occurrence and severity of the reaction, shall find that the substance has a significant potential for causing hypersensitivity.

I. The term "extremely flammable" applies to any substance which has a flash point at or below twenty degrees Fahrenheit (20°F) as determined by the Tagliabue Open Cup Tester, and the term "flammable" shall apply to any substance which as a flash point of above twenty degrees Fahrenheit (20°F) to and including eighty degrees Fahrenheit (80°F). as determined by the Tagliabue Open Cup Tester; except that the flammability of solids and of the contents of self-pressurized containers shall be determined by methods found by the state department of health to be generally applicable to such materials or containers, respectively, and established by regulations issued by the state department of health, which regulations shall also define the terms "flammable" and "extremely flammable" in accord with such methods.

J. The term "radioactive substance" means a substance which emits ionizing radiation.

K. Any person who violates any provisions of this Section, upon conviction, shall be punished as provided in Section 1-108 of this Code. Each separate container of such hazardous substance shall be considered a separate offense.

L. In addition to any fine or fines or in lieu thereof, the Mayor is hereby authorized to apply to the district court for a temporary or permanent injunction restraining and preventing the violation of any provision of this Section or pursuing any other legal remedies against the violators.

SECTION 15-215 FULL TIME AND ATTENTION TO DRIVING

The operator of every vehicle, while driving, shall devote their full time and attention to such driving. No law enforcement Officer shall issue a citation under this section unless the law enforcement Officer observes that the operator of the vehicle is involved in an accident or observes the operator of the vehicle driving in such a manner that poses an articulable danger to other persons on the roadway that is not otherwise specified in statute. (Ord. No. 10-12-1, 12-07-2010)

SECTION 15-216 NEW DRIVERS PROHIBITED FROM USING A HAND-HELD ELECTRONIC DEVICE WHILE OPERATING A MOTOR VEHICLE

A. No person who has been issued an intermediate Class D license for less than:

1. One (1) year; or

2. Six (6) months, if the person has completed both the driver education and the parent-certified behind-the-wheel training provisions,

may use a hand-held electronic device while operating a motor vehicle for non-life-threatening emergency purposes or for violation of any traffic laws pertaining to the

operation of a motor vehicle.

B. "Hand-held electronic device" means a mobile telephone or electronic device with which a user engages in a telephone call, plays or stores media, including, but not limited to, music and video, or sends or reads a text message while requiring the use of at least one hand; and "using a hand-held electronic device" means engaging any function on an electronic device.

(Ord. No. 10-12-1, 12-07-2010)

ARTICLE B
SPEEDING REGULATIONS

Section 15-217 **General Rule for Speed Regulations**
Section 15-218 **General Maximum Speed Limit**

SECTION 15-217 GENERAL RULE FOR SPEED REGULATIONS

A. Any person driving a vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and any other condition then existing. No person shall drive any vehicle upon a highway at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead.

B. The driver of every vehicle shall, consistent with the requirements of Subsection A, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when driving upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions.

SECTION 15-218 GENERAL MAXIMUM SPEED LIMIT

No vehicle, unless otherwise specifically authorized by this Chapter, shall be driven at a speed greater than twenty-five (25) miles per hour upon any street within this City. The City Council may determine that certain other speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof.

ARTICLE C
PARKING REGULATIONS

Section 15-219	**Obstructing Traffic or Driveways**
Section 15-220	**Park within Indicated Space**
Section 15-221	**Proximity to Curb, Parallel Parking**
Section 15-222	**Angle Parking, Designation**
Section 15-223	**Obedience to Angle Parking Rules**
Section 15-224	**Parking Prohibitions in Specific Areas**
Section 15-225	**Parking Prohibitions on Certain Streets, more than Twenty-Four (24) Hours**
Section 15-226	**Designation of Loading Zones**
Section 15-227	**Standing in Loading Zone**
Section 15-228	**Prohibition against Selling Merchandise from Parked Vehicles**
Section 15-229	**Presumption in Reference to Illegal Parking**
Section 15-230	**Handicapped Parking, Enforcement on Public or Private Property**
Section 15-231	**Stopping, Standing or Parking Outside of Business or Residence Districts**
Section 15-232	**Parking More than Two (2) Hours on Main Street Prohibited**
Section 15-233	**Negligent Parking**

SECTION 15-219 OBSTRUCTING TRAFFIC OR DRIVEWAYS

No person shall park any vehicle upon a street or alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic. No person shall stop, stand, or park a vehicle within a street or alley in such position as to block the driveway entrance to any abutting property.

SECTION 15-220 PARK WITHIN INDICATED SPACE

In an area where parking spaces have been marked off on the surface of the street, a driver parking a vehicle shall park it within a parking space as thus marked off and not on or over a line delimiting a space.

SECTION 15-221 PROXIMITY TO CURB, PARALLEL PARKING

Every vehicle stopped or parked upon a roadway shall be so stopped or parked in the direction of lawful traffic movement with the curbside wheels of the vehicle parallel to and within eighteen (18) inches of the curb or roadway edge.

SECTION 15-222 ANGLE PARKING, DESIGNATION

The City Council may determine upon what streets angle parking is permitted and shall direct the marking or signing of the streets. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street. Angle parking, for the purpose of this part, shall mean parking at the curb at approximately a forty-five-degree (45°) angle between the right side of the vehicle and the curb.

State Law Reference: Similar provisions, 47 O.S. Section 11-1004 et seq.

SECTION 15-223 OBEDIENCE TO ANGLE PARKING RULES

A. On those streets, which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by the signs or markings with the front of the vehicle directed toward the curb or edge of the roadway.

B. No person shall park or stand a vehicle in angle parking spaces designated by markings upon the pavement unless the vehicle is positioned within the confines of an individually marked space. The vehicle shall not be of such length, or positioned in a manner, as to protrude into the street a distance that would cause or require passing traffic to change lanes or drive on the let side of the street.

SECTION 15-224 PARKING PROHIBITIONS IN SPECIFIC AREAS

Except when necessary to avoid conflict with other traffic, or in compliance with law, or the directions of a Police Officer, or official traffic-control device, no person shall:

1. Stop, stand, or park a vehicle:

   a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street except as authorized otherwise in this Section;

   b. On a sidewalk;

   c. Within an intersection;

   d. On a crosswalk;

   e. Along or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

   f. On any railroad tracks; or

   g. At any place where official signs prohibit stopping or parking; or

2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or Discharge a passenger or passengers:

   a. In front of a public or private driveway;

   b. Within ten (10) feet of a fire hydrant;

   c. Within ten (10) feet of a crosswalk at an intersection; except in marked parking spaces;

d. Within thirty (30) feet upon the approach to any flashing signal, stop sign, or traffic-control signal located at the side of a roadway;

e. Within twenty (20) feet of the driveway entrance to any fire station; or

f. At any place where official signs prohibit standing.

State Law Reference: Similar provisions, 47 O.S. Section 11-1003.

SECTION 15-225 PARKING PROHIBITIONS ON CERTAIN STREETS, MORE THAN TWENTY-FOUR (24) HOURS

A. When signs are erected, giving notice thereof, no person shall stop, stand, or park a vehicle at any time upon any of the designated streets, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a Police Officer or traffic-control device.

B. No vehicle shall be parked, stored, stood, or otherwise left on any street in the City for a period of time longer than twenty-four (24) hours.

SECTION 15-226 DESIGNATION OF LOADING ZONES

The City Council may determine the location of passenger and fright curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this Section are applicable.

SECTION 15-227 STANDING IN LOADING ZONE

A. No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three (3) minutes.

B. No persons shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious loading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.

C. The driver of a passenger vehicle may stop temporarily at a place marked as a fright curb loading zone for the purpose of, and while actually engaged in, loading or unloading passengers, when such stopping does not interfere with any motor vehicle used for the transportation of materials, which is waiting to enter or about to enter the zone.

SECTION 15-228 PROHIBITION AGAINST SELLING MERCHANDISE FROM PARKED VEHICLES

It is unlawful for any person to park any vehicle upon a street in the City and offer merchandise for

sale therefrom. In addition to the penalty provided in this part, the sale of merchandise from parked vehicles on streets in the City is declared to be dangerous to traffic and to the persons congregating around the vehicle and constitutes a public nuisance.

SECTION 15-229 PRESUMPTION IN REFERENCE OT ILLEGAL PARKING

A. In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any law or regulation, together with proof that the defendant named in the complaint was at the time of the parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

B. The presumption in Subsection A of this Section shall apply only when the procedure as prescribed in this Chapter has been followed.

SECTION 15-230 HANDICAPPED PARKING, ENFORCEMENT ON PUBLIC OR PRIVATE PROPERTY

A. It is unlawful for any person to place or park a motor vehicle in any parking space on private property accessible to the public and where the public is invited or public property that is designated and posted as a reserved area for parking of motor vehicles of a physically disabled person unless such person has a physical disability insignia as under the provisions of Section 15-112 of Title 47 of the Oklahoma Statutes, and such insignias are displayed as provided in Section 15-112 of title 47 of the Oklahoma Statutes or regulations adopted pursuant thereto.

B. Any person who shall violate any of the provisions of this Section shall be guilty of an offense and upon conviction thereof shall be punishable as provided in Section 1-108 of this Code.

State Law Reference: Handicapped insignia, application, and display on vehicles, 47 O.S. Section 15-112.

SECTION 15-231 STOPPING, STANDING OR PARKING OUTSIDE OF BUSINESS OR RESIDENCE DISTRICTS

A. Upon any street or highway within the City, no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of such street or highway when it is practicable to stop, park, or so leave such vehicle off such part of the street or highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of two hundred (200) feet in each direction upon such street or highway.

B. This Section shall not apply to the driver of any such vehicle which is disabled while on the paved or main-traveled portion of a street or highway in such manner and to such extent that

it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

SECTION 15-232 PARKING MORE THAN TWO (2) HOURS ON MAIN STREET PROHIBITED

No person shall park a vehicle on Main Street between Fourth and Sixth Street for a period of time longer than two (2) hours.

SECTION 15-233 NEGLIGENT PARKING

No person shall park, cause to be parked, stop, or leave any unattended vehicle in:

1. A careless or negligent manner;

2. Such a manner as to endanger life, limb, person, or property;

3. Such a manner as to endanger or interfere with the lawful traffic in use of the streets and Alleys; or

4. Such a manner as to block or obstruct the vision of the driver of any oncoming or stopped vehicle at the intersection of any street or alley.

(Ord. No. 91-11-1, 11/5/91)

ARTICLE D
TURNING AND SIGNALS

Section 15-234	**Required Position, Method of Turning at Intersections**
Section 15-235	**Turns and U-Turns**
Section 15-236	**Turning, Stopping Signals Required**
Section 15-237	**J-Turns**

SECTION 15-234 REQUIRED POSITION, METHOD OF TURNING AT INTERSECTIONS

The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. Right turns: Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway; or,

2. Left Turns on Two-Way Roadways: At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

State Law Reference: Similar provisions, 47 O.S. Section 11-601.

SECTION 15-235 TURNS AND U-TURNS

A. The City Council may determine those intersections at which drivers of vehicles shall not make a right, left, or U-turn, and shall place property signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

B. Whenever authorized, signs are erected indicating that no right or left of U-turn is permitted. No driver of a vehicle shall disobey the directions of any such sign.

State Law Reference: Authority to prohibit turning at intersections, 47 O.S. Section 15-102(a).

SECTION 15-236 TURNING, STOPPING SIGNALS REQUIRED

A. No person shall turn a vehicle to the right or left except upon giving a signal of intention, as provided in this Section, in the event any other traffic may be affect by such movement.

B. A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.

C. No person shall stop or suddenly decrease the speed of a vehicle except upon the giving of a signal of intention, as provided herein, to the drier of any vehicle immediately to the rear when there is an opportunity to give such signal.

State Law Reference: Similar provisions, 47 O.S. Section 11-604.

SECTION 15-237 J-TURNS

A. It shall be unlawful for the driver of any vehicle to turn the vehicle in such a manner as to park or pull into a parking space on the opposite side of the street, which is commonly called a J-Turn.

B. J-Turns are permitted when entering into a driveway or parking lot on the opposite side of the street, provided it would not be a violation of other turning Ordinances.

CHAPTER 3
TRAFFIC SIGNALS AND DEVICES

Section 15-301	**Obedience to Devices**
Section 15-302	**Necessity of Signs**
Section 15-303	**Interference with Devices, or Signs or Signals**
Section 15-304	**Presumption of Legality**
Section 15-305	**Ratification of Existing Devices**
Section 15-306	**Traffic-Control Signal Legend**
Section 15-307	**Flashing Signals**
Section 15-308	**Driving within Traffic Lanes**
Section 15-309	**One-Way Streets, Alleys Designation**
Section 15-310	**Designation of Through Streets**
Section 15-311	**Signs at Through Streets**
Section 15-312	**Procedures at Stop Signs**
Section 15-313	**Procedures at Yield Signs**

SECTION 15-301 OBEDIENCE TO DEVICES

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this part unless otherwise directed by a traffic or Police Officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this part.

State Law Reference: Similar provisions, 47 O.S. Section 11-201(a).

SECTION 15-302 NECESSITY OF SIGNS

No provision of the part for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular Section does not state that official traffic-control devices are required, such Section shall be effective even though no devices are erected or in place.

State Law Reference: Similar provisions, 47 O.S. Section 11-201(b).

SECTION 15-303 INTERFERENCE WITH DEVICES, OR SIGNS OR SIGNALS

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.

State Law Reference: Similar provisions, 47 O.S. Section 11-207.

SECTION 15-304 PRESUMPTION OF LEGALITY

A. Whenever official traffic-control device are placed in position approximately conforming to

the requirements of this Chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

B. Any official traffic-control device placed pursuant to the provisions of this Chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this Chapter, unless the contrary shall be established by competent evidence.

SECTION 15-305 RATIFICATION OF EXISTING DEVICES

All traffic-control signs, signals, devices and markings placed or erected prior to the adoption of this part and in use for the purpose of regulating, warning or guiding traffic are hereby affirmed, ratified and declared to be official traffic-control devices, provided such traffic-control devices are not inconsistent with the provisions of this Chapter or state law.

SECTION 15-306 TRAFFIC-CONTROL SIGNAL LEGEND

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word legend. These lights shall indicate appropriate action and apply to drivers of vehicles and pedestrians as provided by applicable State law.

SECTION 15-307 FLASHING SIGNALS

Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:

1. Flashing Red (Stop Signal): When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection, or at a limit line when marked, or if none, then before entering the intersection; and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; or

2. Flashing Yellow (Caution Signal): When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

This Section shall not apply at railroad grade crossings.

State Law Reference: Similar provisions, 47 O.S. Section 11-204.

SECTION 15-308 DRIVING WITHIN TRAFFIC LANES

A. Where traffic lanes have been marked, it shall be unlawful for the driver of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane, except when lawfully passing another vehicle or preparatory to making a lawful turning movement or

otherwise authorized by ordinance.

B. Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic the following rules, in addition to all others consistent herewith, shall apply:

1. A vehicle shall be driven as nearly as practicable entirely within a single lane, and shall not be moved form such lane until the driver has first ascertained that such movement can be made with safety;

2. Upon a roadway which is divided into three (3) lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation; and

3. Official signs may be erected directing slow moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction, regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such signs.

State Law Reference: Similar provisions, 47 O.S. Section 11-309.

SECTION 15-309 ONE-WAY STREET, ALLEYS DESIGNATION

A. Whenever any Ordinance or resolution of this City designates any one-way street or alley, the appropriate City personnel shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless the signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

B. Upon those streets and parts of streets and in those alleys, designate as one-way streets or alleys, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

State Law Reference: Similar provisions, 47 O.S. Sections 11-308, 15-102(a).

SECTION 15-310 DESIGNATION OF THROUGH STREETS

The City Council, by motion or resolution, may designate any street or part of a street a through street.

State Law Reference: Authority to designate through streets, 47 O.S. Section 15-108.

SECTION 15-311 SIGNS AT THROUGH STREETS

Whenever a through street is designated by the City Council, the appropriate City personnel shall be

directed to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic-control signals.

SECTION 15-312 PROCEDURES AT STOP SIGNS

A. Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

B. After having stopped at a stop sign, the driver of a vehicle shall yield the right-of-way to any vehicle which has entered the intersection from another street or which is approaching so closely on the street as to constitute an immediate hazard, but the driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

State Law Reference: Similar provisions, 47 O.S. Section s 11-403(b), 11-703(d).

SECTION 15-313 PROCEDURE AT YIELD SIGNS

The driver of a vehicle approaching a yield sign, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, the driver shall stop at a clearly marked stop line, or if no stop line, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. The driver approaching a yield sign shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving, and to any vehicle in the intersection or approaching on anther highway so closely as to constitute an immediate hazard. The driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding, provided, however, that if such driver is involved in a collision with a pedestrian in a crosswalk or vehicle in the intersection after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right-of-way.

State Law Reference: Similar provisions, 47 O.S. Sections 11-403(c), 11-703(c).

CHAPTER 4
BICYCLES

Section 15-401	**Regulations Applicable Generally**
Section 15-402	**Traffic Laws and Regulations Apply**
Section 15-403	**Obedience to Traffic-Control Devices**
Section 15-404	**Riding on Bicycles**
Section 15-405	**Use Right Side of Roadway**
Section 15-406	**Riding Abreast**
Section 15-407	**Speed**
Section 15-408	**Riding on Sidewalks**
Section 15-409	**Lights and Reflectors**

SECTION 15-401 REGULATIONS APPLICABLE GENERALLY

It is unlawful for any person to do any act or fail to perform any act required by the provisions of this Chapter. The parent of any child or the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this Chapter. The provisions of this Chapter are applicable to bicycles operated upon any street, highway, or upon any path set aside for the exclusive use of bicycles.

State Law Reference: Similar provisions, 47 O.S. Section 11-1201.

SECTION 15-402 TRAFFIC LAWS AND REGULATIONS APPLY

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic ordinances of this City applicable to the driver of a vehicle, except as to special regulations in this Chapter and except as to those provisions of law and ordinances which by their nature can have no application.

State Law Reference: Similar provisions, 47 O.S. Section 11-1202.

SECTION 15-403 OBEDIENCE TO TRAFFIC-CONTROL DEVICES

Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians. Any person may walk bicycles and shall then be subject to all laws applicable to pedestrians.

SECTION 15-404 RIDING ON BICYCLES

A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is

designed and equipped.

State Law Reference: Similar provisions, 47 O.S. Section 11-1203.

SECTION 15-405 USE RIGHT SIDE OF ROADWAY

Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

SECTION 15-406 RIDING ABREAST

Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

SECTION 15-407 SPEED

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

SECTION 15-408 RIDING ON SIDEWALKS

Bicycles may not be ridden upon any sidewalk within the City.

SECTION 15-409 LIGHTS AND REFLECTORS

Every bicycle, when in use at nighttime, shall be equipped with a lamp on the frame which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type approved by the State Department of Public Safety, which shall be visible from all distances from three hundred (300) feet to five hundred (500) feet to the rear when directing in front of lawful upper beams of headlamps of a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

State Law Reference: Similar provisions, 47 O.S. Section 11-1207(a).

CHAPTER 5
IMPOUNDMENT OF VEHICLES

Section 15-501	**Purpose and Effect of Impoundment Provisions**
Section 15-502	**Place of Impoundment**
Section 15-503	**Duration of Impoundment**
Section 15-504	**Police Granted Authority to Impound Vehicles**
Section 15-505	**Disabled Vehicles**
Section 15-506	**Vehicles on Bridge**
Section 15-507	**Arrest and Detention of Driver of Vehicle**
Section 15-508	**Vehicle Constitutes Traffic Hazard**
Section 15-509	**Illegal Trespass by Vehicle**
Section 15-510	**Vehicles Parked Overtime**
Section 15-511	**Vehicles Blocking Fire Exits or Hydrants**
Section 15-512	**Vehicles Parked in Intersection**
Section 15-513	**Stolen Vehicles; Recovery by Police**
Section 15-514	**Vehicles with Outstanding Traffic Citations**
Section 15-515	**Inventory of Impounded Vehicles**

SECTION 15-501 PURPOSE AND EFFECT OF IMPOUNDMENT PROVISIONS

The impoundment of vehicles under authority of the provisions of this Chapter shall be construed as an enforcement procedure for protection of the public peace, safety and welfare, and the safeguarding of property, and shall be used generally for the prevention and removal of traffic hazards, prevention and abatement of public nuisances arising from traffic law violations, protection of the public right sin the use of streets and thoroughfares from obstructions placed and left in derogation of those rights, and for safeguarding and protecting recovered stolen vehicles.

State Law Reference: Grounds for removal of vehicles on highway by state, 47 O.S. Section 955; Removal of abandoned vehicles on private property, 47 O.S. Section 954A.

SECTION 15-502 PLACE OF IMPOUNDMENT

Every vehicle that is impounded under the provisions of this Chapter shall be removed to the nearest garage or place of safekeeping designated by the City Council, and to no other place.

SECTION 15-503 DURATION OF IMPOUNDMENT

A. Except as otherwise provided, any vehicle impounded under the authority of this Chapter shall be stored and held safely until an order for its release is received from an officer of the traffic violations bureau or other proper police officer.

B. The order of release of an impounded vehicle shall be conditioned upon the payment by the person to whom the release is issued of all impoundment costs and accrued storage charges assessed against the vehicle.

C. No order of release of an impounded vehicle shall be issued until all fines and costs due the

City because of traffic law or other law violations involving the vehicle have been paid.

SECTION 15-504 POLICE GRANTED AUTHORITY TO IMPOUND VEHICLES

Members of the Police Department are hereby authorized within the limits set forth in this Chapter to impound vehicles under the circumstances hereinafter enumerated. No impoundment shall be valid unless made under order of an authorized police officer and in strict adherence with the procedures required in this Chapter.

SECTION 15-505 DISABLED VEHICLES

A disabled vehicle upon a street or highway may be impounded under the following circumstances:

1. If left unattended and improperly parked on street or highway and constitutes a definite hazard or obstruction to the normal movement of traffic; or

2. If the person in charge of the vehicle is physically incapacitated to such extent as to be unable to provide for its custody or removal and the vehicle is so disabled as to constitute an obstruction to traffic or a hazard.

SECTION 15-506 VEHICLES ON BRIDGE

An unattended vehicle left upon any bridge, viaduct or causeway or in any tube or tunnel, w here the vehicle constitutes an obstruction to traffic or hazard, may be impounded.

SECTION 15-507 ARREST AND DETENTION OF DRIVER OF VEHICLE

Whenever the driver or person in charge of any vehicle is placed under arrest, taken into custody, and detained by police under circumstances, which leaves or will leave a vehicle unattended on any street or highway, the vehicle may be impounded.

SECTION 15-508 VEHICLE CONSTITUES TRAFFIC HAZARD

A vehicle left unattended upon any street, alley, or thoroughfare and so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic shall be impounded.

SECTION 15-509 ILLEGAL TRESPASS BY VEHICLE

A. An unattended vehicle found to be in violation of this Code may be impounded when the required complain has been properly made and filed as provided in this Section.

B. If a violation of the provisions of this Code occurs the owner or legal occupant who complains shall sign a complaint against le on the owner's or legal occupant's property, or if the identify of the person parking the vehicle is unknown, then the complaint may be filed against the registered owner of the vehicle. The complaint shall be verified and shall allege that the complaining party is the owner or legal occupant of the property upon which the vehicle is parked or standing.

C. Upon filing of the complaint by the property owner or legal occupant, and if there appears to be proper cause to believe the provisions of this Code have been violated, the Police Department shall cause the vehicle to be impounded from the property and placed in storage.

SECTION 15-510 VEHICLES PARKED OVERTIME

Any unattended vehicle which ahs been parked for more than one hour in excess of the time allowed for parking in ay place shall be impounded, and any vehicle parked in violation of this Code, regarding more than twenty-four (24) hours, shall be impounded.

SECTION 15-511 VEHICLES BLOCKING FIRE EXISTS OR HYDRANTS

Any vehicle illegally parked in such a manner that it blocks a fire escape ladder, device, or exit, or blocks ready access to a fire hydrant shall be impounded.

SECTION 15-512 VEHICLES PARKED IN INTERSECTION

Any unattended vehicle illegally parked in any street intersection shall be impounded. A disabled vehicle in an intersection with the person in charge of the vehicle being present, shall be moved out of the intersection and to the nearest available legal parking space at the street curbing.

SECTION 15-513 STOLEN VEHICLES; RECOVERY BY POLICE

A. Whenever a stolen vehicle is located by police and the registered owner cannot be found within a reasonable time not exceeding one hour, or cannot be determined from the registration papers, or other identifying media in the vehicle, or from records or information available from reports of stolen cars, the vehicle may be removed to the nearest authorized place to impoundment and the registered owner of the vehicle shall be notified of the location of the place of impoundment as soon as possible by the Police Department.

B. If the registered owner is identified, located and notified of the recovery of the stolen vehicle, the owner shall be given the right to make his own arrangement for the removal of the vehicle within the period of one (1) hour from the time he is actually notified of its recovery, and if the owner is unable or unwilling to affect the removal within the time specified, the vehicle may be impounded.

SECTION 15-514 VEHICLE WITH OUTSTANDING TRAFFIC CITATIONS

Any vehicle for which two (2) or more citations have been issued, for violation of an ordinance, and have not been presented as required, may be impounded if parked in violation of any provision of this part.

SECTION 15-515 INVENTORY OF IMPOUNDED VEHICLES

Any vehicle impounded for any reason shall be inventoried by two (2) or more persons for the protection of the owner and his property, the protection of City law enforcement personnel, and the protection of the garage or wrecker service moving or holding the vehicle.

CHAPTER 6
PENALTIES

Section 15-601 Penalty for Violations

SECTION 15-601 PENALTY FOR VIOLATIONS

Any violations of the provisions of this part shall be punishable as provided in Section 1-108 of this Code.

CHAPTER 7
SEAT BELT AND CHILD PASSENGER RESTRAINTS

Section 15-701 **Mandatory use of Seat Belts**
Section 15-702 **Child Passenger Restraints Required**

SECTION 15-701 MANDATORY USE OF SEAT BELTS

A. Every operator and front seat passenger of a passenger car operated in this municipality shall wear a property adjusted and fastened safety seat belt system, required to be installed in the motor vehicle when manufactured pursuant to Federal Motor Vehicle Safety Standard 208. For the purpose of this Section, "passenger car" shall mean "automobile" as defined in Section 22.1 of Title 47 of the Oklahoma Statutes, except that "passenger car" shall not include trucks, pick-up trucks, truck-tractors, recreational vehicles, cans, motorcycles or motorized bicycles.

B. This Section shall not apply to an operator or passenger or a passenger car in which the operator or passenger possesses a written verification from a physician licensed in this State that he is unable to wear a safety seat belt system for medical reasons.

C. This Section shall not apply to an operator of a motor vehicle who is a route carrier of the U.S. Postal Service.

D. This Section shall not apply to any passenger vehicle which was manufactured or assembled before the 1966 models, unless such vehicle is now equipped with a properly adjusted and fastened safety seat belt system.

E. No law enforcement officer shall make routine stops of motorists for the purpose of enforcing this act.

F. Any person convicted of violating this Section shall be punished by a fine of _____ and shall pay court costs of _____.

The provisions of the State Motor Vehicle Code, Sections 1-101 et seq. of Title 47 of the Oklahoma Statutes, and the Rules of the Road, Sections 10-101 et seq. of Title 47 of the Oklahoma Statutes, are hereby adopted and incorporated herein by reference, and are enforceable by the City within the City Limits as fully as if set out at length herein.

SECTION 15-702 CHILD PASSENGER RESTRAINTS REQUIRED

A. Every driver when transporting a child under four (4) years of age in a motor vehicle operated on the roadways, streets, or highways of this Town shall provide for the protection of the child by properly using a child passenger restraint system or a properly secured seat belt in the rear seat of the motor vehicle. For purposes of this Section, "child passenger restraint system" means an infant or child passenger restraint system that meets the Federal standards for crash-tested restraint systems as set by the United States Department of

Transportation.

B. Children four (4) or five (5) years of age shall be protected by the use of a child passenger restraint system or a seat belt.

C. The provisions of this Section shall not apply to:

1. A nonresident driver transporting a child in this State;

2. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to State or Federal laws;

3. The driver of an ambulance or emergency vehicle;

4. A driver of a vehicle if all of the seat belts in the vehicle are in use; and

5. The transportation of children who for medical reasons are unable to be placed in such devices.

D. A law enforcement officer is hereby authorized to stop a vehicle if it appears that the driver of the vehicle has violated the provisions of this Section and to give an oral warning to the driver. The warning shall advise the driver of the possible danger to children resulting from the failure to install or use a child passenger restraint system or seat belt in the motor vehicle. If the driver of a vehicle has been previously warned and it appears there has been a violation of this Section, the Officer is empowered to stop the vehicle and issue a citation for the violation of this Section.

E. A violation of the provisions of this Section shall not be admissible as evidence in any civil action or proceeding for damages.

F. In any action brought by or on behalf of an infant for personal injuries or wrongful death sustained in a motor vehicle collision, the failure of any person to have the infant properly restrained in accordance with the provisions of this Section shall not be used in aggravation or mitigation of damages.

PART 16
TRANSPORTATION

CHAPTER 1
RAILROADS

Section 16-101 Railroads to Improve Streets and Alleys
Section 16-102 Sidewalks to be Constructed by Railroads
Section 16-103 Climbing on Trains
Section 16-104 Speed Limit for Trains

CHAPTER 2
(RESERVED)

CHAPTER 1
RAILROADS

Section 16-101	**Railroads to Improve Streets and Alleys**
Section 16-102	**Sidewalks to be Constructed by Railroads**
Section 16-103	**Climbing on Trains**
Section 16-104	**Speed Limit for Trains**

SECTION 16-101 RAILROADS TO IMPROVE STREETS AND ALLEYS

When a railway occupies any portion of a street with its tracks running in a general direction of such street, either on or adjacent thereto, the railway company shall improve the space between its tracks and two (2) feet on either side thereof in the same manner that the remainder of the street is to be, or has been, improved, or with such other satisfactory material as the Council by motion or resolution may approve. In case any railway company shall occupy an alley with its track or tracks, such company shall improve, gutter, drain, and grade such alley, and shall surface or pave it with the same material which is to be, or has been, used on the alley, or with such other satisfactory material as the Council by motion or resolution may approve. When the tracks of any railroad company cross any street that is being or has been paved, the company shall pave as much of the street as is occupied by its track or tracks and two (2) feet on each side, using the same material as is to be, or has been, used on the street, or such other satisfactory material as the Council by motion or resolution may approve. When more than one track crosses a street within a distance of one hundred (100) feet, measuring from inside rail to inside rail, the railroad company shall grade, gutter, drain, and curb the street area between its tracks, and surface or pave it with the same material which the City s to use or has used, on the street. Railroad companies shall keep all such improvements made by them in a good state of repair at all times.

SECTION 16-102 SIDEWALKS TO BE CONSTRUCTED BY RAILROADS

Railway companies shall construct sidewalks crossing their rights of way, using the same material as is used in adjacent sidewalks insofar as this is practicable under the circumstances. They shall construct sidewalks on both sides of the streets when both sides are used by pedestrians. The company shall keep such sidewalks in a good state of repair at all times.

SECTION 16-103 CLIMBING ON TRAINS

It is unlawful for any person to climb upon, hold to, or in any manner attach himself to, any railway train, locomotive, or railway car, while such is in motion within the City, unless such person is acting in line of duty, or to board any train or railroad car, including a passenger, fright, or other car, except with a proper ticket or the permission of the person in charge of the train or car or in line of duty.

SECTION 16-104 SPEED LIMIT FOR TRAINS

It is unlawful to drive, pull, move, or operate a locomotive, train or other rolling stock of a railroad at a speed of more than thirty (30) miles per hour within the corporate limits of the City.

CHAPTER 2
(RESERVED)

PART 17
UTILITIES

CHAPTER 1
GENERAL PROVISIONS

Section 17-101	Lease of System
Section 17-102	Penalty, Adoption by Reference
Section 17-103	Duties Regarding Delinquent Utility Bills and Charges, Hearings and Appeals, Suits
Section 17-104	Failure to Pay Utility Bills; Penalty and Disconnection of Service
Section 17-105	Utility Transfer Fee
Section 17-106	Mandatory Utility Deposit
Section 17-107	Reduction of Deposit Amount for Tenants
Section 17-108	Waiver of Utility Deposits for Residences and Tenants
Section 17-109	Refund of Current Deposits
Section 17-110	Personnel May Inspect Private Premises
Section 17-111	Collection of Damages for Tampering with City Utilities
Section 17-112	Valid Mailing Address
Section 17-113	Landlord Responsibilities

CHAPTER 2
REFUSE COLLECTION AND DISPOSAL

Section 17-201	Solid Waste Collection
Section 17-202	Definitions
Section 17-203	Providing Containers
Section 17-204	Size and Weight Restrictions
Section 17-205	Yard, Shrub or Tree Trimmings, Grass, Leaves
Section 17-206	Placement of Containers for Collection
Section 17-207	Unlawful Acts
Section 17-208	Prohibited Materials
Section 17-209	Contract and Disposal
Section 17-210	Fees
Section 17-211	Penalty

CHAPTER 3
WATER DISTRICT REGULATIONS

Section 17-301	Application for Water Service
Section 17-302	Turning on Water
Section 17-303	Water May be Cut Off
Section 17-304	Water to be Turned Back on Only by Authority
Section 17-305	Customers to Keep Service Pipes in Good Repair, not to Waste Water
Section 17-306	Water Service Beyond the Corporate Limits, Written Agreements Required
Section 17-307	Water Shortages, Declaration of Emergency
Section 17-308	Restriction on Water Use in Emergency

Section 17-309 Proclamation and Notice of Emergency
Section 17-310 Grievances with Water Restrictions
Section 17-311 Mandatory Water, Sewer Hookups
Section 17-312 Water Taps and Connections; Fees
Section 17-313 Water And Waste Water Rates

CHAPTER 4
SEWER SYSTEM

Section 17-401 Prohibited Discharges
Section 17-402 New Sewers and Connections
Section 17-403 Sewer Taps and Connections; Fees

CHAPTER 5
IDENTITY THEFT PREVENTION PROGRAM

Section 17-501 Short Title
Section 17-502 Purpose
Section 17-503 Definitions
Section 17-504 Findings
Section 17-505 Process of Establishing a Covered Account
Section 17-506 Access to Covered Account Information
Section 17-507 Credit Card Payments
Section 17-508 Sources and Types of Red Flags
Section 17-509 Prevention and Mitigation of Identity Theft
Section 17-510 Updating the Program
Section 17-511 Program Administration
Section 17-512 Outside Service Providers
Section 17-513 Treatment of Address Discrepancies

CHAPTER 1
GENERAL PROVISIONS

Section 17-101	**Lease of System**
Section 17-102	**Penalty, Adoption by Reference**
Section 17-103	**Duties Regarding Delinquent Utility Bills and Charges, Hearings and Appeals, Suits**
Section 17-104	**Failure to Pay Utility Bills; Penalty and Disconnection of Service**
Section 17-105	**Utility Transfer Fee**
Section 17-106	**Mandatory Utility Deposit**
Section 17-107	**Reduction of Deposit Amount for Tenants**
Section 17-108	**Waiver of Utility Deposits for Residences and Tenants**
Section 17-109	**Refund of Current Deposits**
Section 17-110	**Personnel May Inspect Private Premises**
Section 17-111	**Collection of Damages for Tampering With City Utilities**
Section 17-112	**Valid Mailing Address**
Section 17-113	**Landlord Responsibilities**

SECTION 17-101 LEASE OF SYSTEM

The City has leased the operation of its water and sewer systems to the Shidler Public Works Authority, including setting rates for use of the systems and all regulations governing them. For a copy of current rates and rules, see the minutes of the Shidler Public Works Authority.

SECTION 17-102 PENALTY; ADOPTION BY REFERENCE

The rates and rules of the Shidler Public Authority are adopted and incorporated herein by reference, fully applicable as if set out at length herein. Violations are punishable as provided in Section 1-108 of this Code.

SECTION 17-103 DUTIES REGARDING DELINQUENT UTILITY BILLS AND CHARGES, HEARINGS AND APPEALS, SUITS

A. The City in an effort to collect utility bills and charges for services due, shall

1. Declare all utility bills and charges not paid by the following 10th day of the month, delinquent and add a late charge of ten percent (10%) and both City and Trust personnel shall follow the Mayor's directions with regard thereto;

2. Cause written notice on the 20th day of the month to be served at the customer's place of service, giving the amount due therein, together with the late charge; and

3. Unless a customer is excused by the City and his/her utility bills and charges remain unpaid, Part A and B having been fully complied with, the City, on the 25th day of the same month or thereafter, shall terminate or cause to be terminated the unpaid utility service or services.

B. The City may temporarily halt the termination of services providing that the Mayor determines;

1. That an actual temporary hardship is encountered of a serious nature;

2. That an actual meter error or meter reading error has occurred, thereby allowing and requiring adjustment thereof; and

3. That the customer acknowledges the utility bill or charge and executes a written agreement for Deferred Payment ("Deferred Agreement") having as a minimum the following conditions and requirements, to-wit:

   a. Deferred agreements cannot be made for two (2) consecutive months;

   b. Limit of two (2) Deferred Agreements per calendar year;

   c. If, at any time, utilities are disconnected for non-payment or Deferred Agreement is not paid in full by the due date, the customer will not be allowed a Deferred Agreement for one (1) year.

   d. Due date on Deferred Agreements shall not be extended.

C. The City is hereby directed, ordered and mandated to bring legal action for all unpaid utility bills and charges heretofore existing for more than sixty (60) days prior hereto under Subsection A hereof or for bills that are unpaid under Subsection A, Paragraph 3 hereof, and to seek all legal, justified and feasible collection measures. However, if the City deems a suit unfeasible to prosecute, then and in that event, the Mayor shall determine that the account is uncollectible and a bad debt.

SECTION 17-104 FAILURE TO PAY UTILITY BILLS; PENALTY AND DISCONNECTION OF SERVICE

Upon failure to pay any part of a utility bill submitted by the City for any utility services pursuant to Section 17-103 of this Code by the past due date which is printed on the bill, the following actions and penalties shall result:

1. A ten percent (10%) penalty of all amounts owning on a utility bill may be added to any utility bill which is not paid by the past due date printed on the bill;

2. The authorized agents shall disconnect or discontinue any or all utility services to the customer after mailing or posting written notice to the customer of the intent to disconnect or discontinue any or all of the utility services; or

3. The authorized agents, upon direction of the City may discontinue furnishing water or electricity to any customer refusing or neglecting to pay all or any part of a utility bill submitted after mailing written notice to the customer of the intent to disconnect the water or electrical service.

4. A return check charge of Twenty-Five Dollars ($25.00) per check will be assessed against any customer presenting a dishonored check for payment of utilities, wherein the check amount and late check charge must be paid by cashier's check or cash to avoid termination.

5. A fee as set forth in 17-312(D).

SECTION 17-105 UTILITY TRANSFER FEE

A fee of Twenty Dollars ($20.00) shall be assessed to each customer for turn-offs and turn-ons in changing accounts.

SECTION 17-106 MANDATORY UTILITY DEPOSIT

A. All residential applicants for utility services owning the real property upon which utility service will be provided shall be required to deposit the sum of Two Hundred Fifty Dollars ($250.00) before service is provided. All tenants not owning the real property upon which the utility service will be provided shall be required to deposit the sum of Two Hundred Fifty Dollars ($250.00) before utility services can be provided.

B. All commercial applicants for utility services shall be required to deposit the sum of Twenty Five Dollars ($25.00) before service is provided.

C. All applicants must present a photographic identification plus one (1) other form of identification before an application will be accepted. Applicant must present a valid driver's license number or social security number. Along with a Rental and Buyer's Agreement.

D. For all tenants, a Rental Agreement, Rent to Own Agreement, Buyer's Agreement, or otherwise is required before utility service will be approved.

SECTION 17-107 REDUCTION OF DEPOSIT AMOUNT FOR TENANTS

Any tenant presenting a written guarantee on an approved City of Shidler form at the time service shall not be required to pay a deposit. This guarantee must be duly executed by the landlord or a current utility account customer in good standing for the past two (2) years.

SECTION 17-108 WAIVER OF UTILITY DEPOSITS FOR RESIDENCES AND TENANTS

Those residential utility service applicants requesting service who can present written confirmation from his or her previous utility service providers that the applicant customer has been in good standing at the same address for twenty-four (24) consecutive months will not be required to provide a utility services deposit so long as the customer remains in good standing with respect to payment of utility services when due. A utility deposit for the amounts set forth in Section 17-107 will be required should the utility customer fail to make timely and proper payment, wherein the customer becomes subject to disconnection of the utility services

SECTION 17-109 REFUND OF CURRENT DEPOSITS

All residential utility service customers in good standing, thereby having made proper and timely payment of their accounts for the past two (2) years, will be refunded their deposit by crediting their account for current utility services until the deposit has been fully returned and credited. No new deposit will be required unless the utility service customer fails to make timely and proper payment, wherein the utility service customer is subject to disconnect. In this event, a new deposit will be required from the utility service customer as set forth in Section 17-106. Should a new deposit be required from a utility service customer whose deposit was previously returned, said utility customer must be in good standing for a period of two (2) years before his or her utility service deposit may once again be refunded as set forth above.

SECTION 17-110 PERSONNEL MAY INSPECT PRIVATE PREMISES

City or Authority personnel in the service of the utility systems may enter any private premises served by the water or other utility systems at any reasonable time and inspect the water pipes and fixtures on the premises.

SECTION 17-111 COLLECTION OF DAMAGES FOR TAMPERING WITH CITY UTILITIES

In the event that a customer causes the adjustment, connection, disconnection, injury, destruction, or any way tampers with any water pipe, loop, riser, meter box lid, endpoint, or connection belonging to the City of Shidler or its Public Works Authority, or any water meter, or any pipe or connection belonging thereto, or any other part of the water or sewer system, or has done any act or used any contrivance to prevent or affect correct and proper registration of any such meter, then and in that event, all utility services shall be immediately disconnected and all costs of materials and labor supplied by the City of Shidler or its Public Works Authority shall be assessed and paid by the customer. No services shall be reconnected until all invoices for the repairs are made in full unless a written agreement is entered into between the parties for payment.

SECTION 17-112 VALID MAILING ADDRESS

Utility customers shall maintain a valid mailing address with the Post Office and shall notify the Utility Billing Clerk of any change of mailing address within two (2) business days of any such change. Failure to maintain a valid mailing address will result in immediate termination of utility services, whether the customer is current or not current on payments due for utility services. Any reconnect fees after obtaining and a valid mailing address shall be paid in advance, along with any balance due and owing for past utility services.

SECTION 17-113 LANDLORD RESPONSIBILITIES

Where a tenant has obtained utility service, after depositing the required amounts under Section 17-106, and after providing a written copy of their lease agreement, where applicable, the owner/landlord of the property upon which service has been obtained shall receive notice in writing that the account for the services has been opened and shall receive a copy of any notice to the tenant that the utility account is delinquent and of any disposition or account closing. Should the tenant or occupant leave an account balance after the application of any deposits remaining, and so long as copies of all delinquency notices were sent by first class mail to the Landlord/Owner, the delinquent balance due shall constitute a lien or encumbrance that must be paid in full before service will be recommenced at the address.

CHAPTER 2
REFUSE COLLECTION AND DISPOSAL

Section 17-201	**Solid Waste Collection**
Section 17-202	**Definitions**
Section 17-203	**Providing Containers**
Section 17-204	**Size and Weight Restrictions**
Section 17-205	**Yard, Shrub or Tree Trimmings, Grass, Leaves**
Section 17-206	**Placement of Containers for Collection**
Section 17-207	**Unlawful Acts**
Section 17-208	**Prohibited Materials**
Section 17-209	**Contract and Disposal**
Section 17-210	**Fees**
Section 17-211	**Penalty**

SECTION 17-201 SOLID WASTE COLLECTION

The City shall provide for the collection and disposal of all Solid Waste from Dwelling Units within the City limits and no other person shall collect and dispose of Solid Waste from Dwelling Units within the City unless authorized by license or other formal agreement with the City. The City may provide the collection and disposal service by contracting with a person, firm, corporation or any combination thereof, for the entire city or portions thereof, as deemed to be in the best interests of the City and may limit collection to pick up at the curb in the discretion of the governing body.

The collection, transportation and disposal of Solid Waste shall be at all times under the general supervision of the Board of Trustees of the Shidler, Oklahoma, Public Works Authority, who shall have the authority to make additional rules and regulations not inconsistent with the terms and provisions of this Chapter. Exceptions to these rules must be approved by the Board of Trustees of the Shidler, Oklahoma, Public Works Authority.

Nothing in this Chapter shall prohibit any person from transporting his or her own Solid Waste, but intervals of disposal shall be not less than that prescribed for the Solid Waste collection system of the City, and the disposal shall be in the same manner and pace prescribed for the City system. Those persons transporting or otherwise disposing of their own Solid Waste shall not be relieved from the minimum charge imposed in accordance with the provisions of this Division.

It shall be unlawful for the owner or occupant of any residence, institution, professional, commercial, or business establishment, or for contractors or builders engaged in construction or remodeling projects, to deposit or accumulate Solid Waste in or upon any tot, parcel or land, public or private drive, alley, street or other place in the City. No person shall permit or allow any Solid Waste to be scattered about in his or her yard or upon the premises occupied by him or her or to throw or deposit any Solid Waste upon the premises of any other person or upon any of the streets, alleys or other public places in the City.

SECTION 17-202 DEFINITIONS

As used in this Chapter the following words shall have the meanings respectively set out opposite them.

A. Authority shall mean the Shidler, Oklahoma Public Works Authority.

B. Commercial Waste shall mean all Solid Waste emanating from establishments engaged in business including, without limitation, stores, markets, office buildings and restaurants.

C. Dwelling Unit shall mean single and double family Residential Dwelling(s).

D. Garbage includes all kitchen and table refuse and every accumulation of animal, vegetable and other material that attends the preparation, consumption, decay or dealing in or storage of meat, fish, fowl, birds, grain, fruits, vegetable refuse from kitchens and all household wastes that shall have resulted from the preparation of food including tin cans and bottles. Dead animals, dishwater and wastewater are not included under garbage.

E. Refuse includes any and all accumulations of waste material, garbage, trash, rubbish, paper leaves, grass, packing material, pasteboard, trimmings from lawn and flower gardens, cinders, metal and small tree limbs under four (4) inches in diameter when cut to a length of not to exceed four (4) feet and tied in bundles not to exceed eighteen (18) inches in diameter. The term refuse shall include waste products from the construction, remodeling, demolition or repair of any building, or resulting from any construction or building operation. The term refuse shall not include:

1. Sod, dirt, sand, rocks, bricks, or other masonry unless packaged in accordance with Section 17-408(C) or placed in roll-off containers designated for such purpose;

2. Any item posing unusual risk of injury to personnel or damage to the collection vehicle;

3. Tires;

4. Commercial Waste.

F. Residential shall mean any enclosure, building, structure or portion thereof occupied by one (1) or more persons for and as living quarters and containing: (1) individual dwelling unit; (2) rooming houses having no more than four (4) persons in addition to the family or the owner or operator; and (3) mobile homes, manufactured homes and residential-designed manufactured homes.

G. Solid Waste shall mean Garbage and Refuse.

SECTION 17-203 PROVIDING CONTAINERS

The Authorities or its contractor will provide each Dwelling Unit with one (1) portable container adequate to contain the amount of Solid Waste ordinarily accumulated during the intervals between collections. Lost, stolen or damaged containers will be replaced at the customer's cost. The customer will be responsible for cleanup of Solid Waste scattered or spilled by animals, wind or other causes before arrival of the collection crew. Collection supervisors are authorized to confiscate any container permitted to remain in a street or alley for more than twenty-four (24) hours after the last collection without prior approval by the Board of Trustees of the Shidler, Oklahoma, Public Works Authority, and any containers which hazardous condition is not corrected after one warning tag has been issued.

SECTION 17-204 SIZE AND WEIGHT RESTRICTIONS

A. It is the duty of every person, firm or corporation owing, managing, operating, leasing or renting any premises or any place where garbage or rubbish accumulates, to provide, and at all times to maintain in good order and repair, on any premises a portable container or containers for refuse which shall be made of galvanized metal or equivalent, not easily corrodible, rodent-proof and flyproof, with tight-fitting lid which shall not be removed except when depositing or removing the contents of the receptacle, and with handles on the sides, and of sufficient capacity and in sufficient numbers to accommodate and securely keep all the garbage and rubbish that may accumulate between collections. Each container shall have a capacity of not more than thirty (30) gallons, except where approved type build storage containers are in use. If containers over thirty (30) gallons are used, all refuse shall be bagged in plastic trash bags before placing in any container over thirty (30) gallons. All containers shall be kept clean and free from the accumulation of any substance remaining attached to the inside of the container which would attract flies, mosquitoes and any other insects.

SECTION 17-205 YARD, SHRUBS, OR TREE TRIMMINGS, GRASS, LEAVES

Yard, shrub, or tree trimmings not bundled or placed in approved containers will not be collected. Bundles must be tied securely, shall not be more than eighteen (18) inches in diameter, not more than four (4) feet long nor more than sixty-five (65) pounds in weight. Yard, shrub, and tree trimmings placed in cans, bags or roll-out carts are not to extend more than twelve (12) inches above the top of the can, bag or cart, or be so tightly packed that they must be pulled from the container by hand.

SECTION 17-206 PLACEMENT OF CONTAINERS FOR COLLECTION

A. Unless another pickup point has been approved by the Authority, all carts containing Solid Waste, upon days of collection thereof, shall be placed by the occupant at curbside before 6:00 o'clock A.M., but not earlier than twenty-four (24) hours before that time.

B. Collection at the door or other agreed location may be authorized by the Mayor or Board of Trustees of the Shidler Public Works Authority for hardship cases arising from physical impairment upon written application. Such special collection service shall be provided for a specified period, subject to renewal.

C. Containers shall be placed in a clearly accessible and uncluttered area to minimize risk of injury to the collector. Dogs tethered near Solid Waste containers must be where they cannot interfere with the collection of Solid Waste.

D. Carts should not be overfilled in order for the lid to close properly.

E. Carts should be placed no more than two (2) feet away from the curb or edge of the street with the lid opening facing the street and the handle facing the residence. If there is more than one (1) cart, the customer shall allow more than three (3) feet between carts.

F. No carts shall be placed any closer than five (5) feet from any vehicle, mailbox or fens.

G. All carts must be removed from the curb within twenty-four (24) hours.

SECTION 17-207 UNLAWFUL ACTS

Unless authorized hereby to collect and dispose of Solid Waste, it shall be unlawful for any person to:

A. Remove any portion of the contents of any Solid Waste container;

B. Upset, turnover, remove or carry away a Solid Waste container, or lid thereto, or to damage such container or lid in any manner;

C. Place or deposit Solid Waste in a Dwelling Unit container other than one that has been provided for his or her use, or a container provided and marked for public use;

D. Set out, or cause to be set out, Solid Waste for collection that does not originate from the premises where it is set out unless specifically approved by the Board of Trustees the Shidler, Oklahoma, Public Works Authority in each case;

E. Place any material other than Solid Waste in any City provided container except with prior authorization by the Board of Trustees of the Shidler, Oklahoma, Public Works Authority; or

F. Place Solid Waste in any container in such a manner as to prevent proper closure of the container lid.

SECTION 17-208 PROHIBITED MATERIALS

A. Dangerous material such as hot ashes, radioactive materials, acids, caustics, diseased or infected materials, highly volatile materials, or explosives, shall not be collected.

B. Materials not defined as Solid Waste in Section 17-402 shall not be collected.

C. Cold ashes, sawdust, sand, dirt, powdery material, small gravel or material whose particles, are less than one (1) inch in diameter, herbicides, insecticides, other home and harden

chemicals, animal manure, and litter box refuse shall not be collected unless sealed in a durable, disposable container prior to being placed out for collection.

D. Materials defined as hazardous or infectious by federal or state agencies shall not be collected by the City.

E. Boxes or cartons larger than thirty (30) inches per side will not be collected by residential collection crews unless collapsed or otherwise reduced in size so that they will easily fit into the collection vehicle.

SECTION 17-209 CONTRACT AND DISPOSAL

A. The City shall have authority to enter into contractual obligation with those who wish to engage in the business of refuse collection or refuse disposal for compensation in the City, The City shall be limited to contracting for such service to contract only with the persons having proper equipment, meeting State Department of Health requirements, and sufficient personnel to collect and dispose of refuse in accordance with the provisions of this Ordinance; and provided further that the method of disposal contracted for must be in accordance with the requirements of this Chapter.

B. Every person desiring to engage in the collection and disposal of refuse shall have the right to make written application to the City and shall make written application, setting forth the name of the equipment to be used in the collection or disposal of such refuse, the place of disposal and the method of disposal to be practiced. Upon approval of application all bids may be considered at some time prior to the expiration of the then existing contract, if any.

C. Any person whose application has been denied may request and shall be granted, a hearing before the City Council.

SECTION 17-210 FEES

There may be charged, assessed and collected from each residential and commercial unit, such amounts as set by the City Council by motion or resolution.

SECTION 17-211 PENALTY

Any person or persons, firm, or corporation who violates any of the provisions of this Chapter, or who fails to provide the necessary garbage receptacles as herein required, or shall allow the premises occupied to become unsanitary, or who shall in any manner violate any of the provisions of this Chapter, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum as provided in Section 1-108 of this Code.

CHAPTER 3
WATER DISTRICT REGULATIONS

Section 17-301	**Application for Water Service**
Section 17-302	**Turning on Water**
Section 17-303	**Water May be Cut Off**
Section 17-304	**Water to be Turned Back on Only by Authority**
Section 17-305	**Customers to Keep Service Pipes in Good Repair, not to Waste Water**
Section 17-306	**Water Service Beyond the Corporate Limits, Written Agreements Required**
Section 17-307	**Water Shortages, Declaration of Emergency**
Section 17-308	**Restriction on Water Use in Emergency**
Section 17-309	**Proclamation and Notice of Emergency**
Section 17-310	**Grievances with Water Restrictions**
Section 17-311	**Mandatory Water, Sewer Hookups**
Section 17-312	**Water Taps and Connections; Fees, Utility Deposits**
Section 17-313	**Water And Waste Water Rates**

SECTION 17-301 APPLICATION FOR WATER SERVICE

Any person desiring to secure water from the water system shall make an application therefor on an application form to be provided by the Authority. The applicant shall give such reasonable information as the Authority may request. He shall state in the application that he will abide by all Ordinances, rules and regulations governing the water system of the City and Authority.

SECTION 17-302 TURNING ON WATER

It is unlawful for any person to turn the water on to any premises from the water system except by permission of the Authority. Water shall not be turned on until the plumbing has been installed and is in operation as provided by Ordinance and until any and all deposits and charges have been paid. The City will see that the water is turned on when all requirements for service have been complied with.

SECTION 17-303 WATER MAY BE CUT OFF

Water may be cut off and service discontinued for any user of water from the water system for any of the following reasons:

1. Violation of any Ordinance provision relating to the water system, or violation of any Ordinance or other provision or any provision of any Code adopted by reference relating to water and sanitary plumbing;

2. Any act or omission in regard to the water system or sanitary sewer system, the use of water, or the disposal of liquid wastes, which jeopardizes the public health or safety, creates a public nuisance, or interferes with the rights of others; or

3. Failure to pay a water bill or other proper charge in connection with the water system by the time when the bill becomes delinquent.

SECTION 17-304 WATER TO BE TURNED BACK ON ONLY BY AUTHORITY

When the water of any customer has been turned off by Authority personnel, it shall not again be turned on except by permission of the Authority.

SECTION 17-305 CUSTOMERS TO KEEP SERVICE PIPES IN GOOD REPAIR, NOT TO WASTE WATER

All customers using water shall keep their service pipes, stop cocks, and other water apparatus in good repair and in proper operation, and shall not unnecessarily wastewater.

SECTION 17-306 WATER SERVICE BEYOND THE CORPORATE LIMITS, WRITTEN AGREEMENTS REQUIRED

A. All consumers outside the corporate limits of the City shall be required to enter into a written agreement with the Authority with a proviso therein that emergency situations imposed upon the users within the City shall by virtue thereof be applicable to the consumers outside the City.

B. The Public Works Authority, by Resolution, finding that a particular consumer is using large and vast quantities of water, may negotiate a contract with such user wherein special terms and a negotiated rate are agreed upon in writing but the rate shall always be in excess of actual costs and the Resolution making the finding, together with the special rate and terms of this contract, shall be reconsidered by each subsequent Board. In such agreements there shall always be a proviso that in emergency situations declared by the Authority or City, and applicable to its other consumers, the City or Authority may limit the use of the water regardless of the quantities required under the special contract.

SECTION 17-307 WATER SHORTAGES, DECLARATION OF EMERGENCY

A. Whenever an emergency exists by reason of a shortage of water due to inadequate supply, limited treatment or distribution capacity or failure of equipment or material, the Board of Trustees is hereby authorized to restrict or prohibit the use of water from the water system.

B. An emergency exists whenever the Board of Trustees reasonably determine that the water system is unable or will within sixty (60) days become unable to supply the full commercial and domestic needs of the users thereof, including adequate fire protection.

SECTION 17-308 RESTRICTION ON WATER USE IN EMERGENCY

A. Upon the determination that such an emergency exists the Mayor shall issue a proclamation declaring the emergency and setting out with particularity an order restricting use of water from the system. The order may:

1. Restrict water usage during certain periods of the day or week or according to any

orderly and nondiscriminatory scheme; and

2. Prohibit usages not essential to public health and safety. The order may be revised from time to time as the Mayor deems necessary.

B. A duly proclaimed emergency shall continue and the terms of the proclamation shall be in force for thirty (30) days or until such time as the Mayor shall cause to be published a proclamation that the emergency has ended, whichever is shorter, unless the Authority, by Resolution approved by a majority of all its members, votes to terminate the emergency and proclamation upon a different date.

SECTION 17-309 PROCLAMATION AND NOTICE OF EMERGENCY

A. The proclamation required by the preceding Section shall be published in a newspaper of general circulation in the City or, if there is no such newspaper in which the proclamation may be published within twenty-four (24) hours after the emergency arises, publication shall be by posting a copy of the proclamation in ten (10) prominent places in the City. The emergency shall be in full force and effect upon publication. Substantial compliance with this Section is sufficient to affect the emergency.

B. Whenever a sudden or unexpected event so reduces the availability of water or water pressure as to create an immediate threat to public health or safety the notice of the proclamation may be given by any reasonable means, including electronic means. The emergency shall be in full force and effect upon such notice. However, if any means other than that required in Subsection A of this Section is used, the proclamation shall be republished in accordance with Subsection A within twenty-four (24) hours of the first notice.

SECTION 17-310 GRIEVANCES WITH WATER RESTRICTIONS

Any person feeling aggrieved by a proclamation of the Mayor shall have the right to present the matter to the next regular or special meeting of the Public Works Authority or to any emergency session called to discuss the water emergency. The Board may exempt such aggrieved person, wholly or in part, from compliance with the proclamation order upon a showing that compliance creates an immediate threat to the person's health or safety. The ruling of the Board of Trustees by a majority vote of all its members shall be final and binding as to the continuance of any terms of the proclamation. Until and unless the action of the Mayor is modified or revoked by action of the Board, all water users shall be bound by the proclamation.

SECTION 17-311 MANDATORY WATER, SEWER HOOKUPS

A. From and after December 23, 1975, all residences, households, mobile homes and businesses are hereby required to hook up to the water system and sewer system. Each residence, household, mobile home and business shall have a separate water connection and meter and a separate sewer connection.

B. It shall be hereafter unlawful for any person to maintain or establish a private water well to serve any residence, business or facility of any kind unless the residence, business or

facility maintaining, drilling or establishing same shall first be connected to the municipal water system as provided in Subsection A above, and second shall pay the monthly utility fees and charges due; provided, that any residence, business or facility seeking to drill or establish such a private water well after September 19, 2011, shall first make application through the City Clerk; and execute a written agreement as follows, to-wit: (1) that the residence, business or facility meets all mandatory hookup requirements as provided by this Section; (2) that the well will meet, any and all local, county, or state requirements for non-potable water; (3) that there will be no resale of water obtained from the well, with the exception of bulk sales of untreated well water to purchasers directly serving the oil and gas industry or construction industry where the well is in an area that is zoned commercial; (4) that the well site will be permitted through the Oklahoma Water Resources Board as required by law; (5) that water from the well will be metered in any situation where the water from the well may flow or be dispensed into the wastewater treatment lines and facilities of the City of Shidler, whereby the residence, business or facility shall pay for the meter installation, allow access for the proper reading of any usage, and pay the applicable wastewater treatment rate; (6) that water from the well will not be used for human consumption; and (7) that there will be no cross connections to any component of the City's water system, including any water lines on private property which are connected to the City's water system.

SECTION 17-312 WATER TAPS AND CONNECTIONS; FEES

A. The City shall approve any request for a water tap and connection. Prior to granting this approval, the customer shall have paid the appropriate deposit referenced in Section 17-106, which shall serve as a guarantee for the payment of charges for utility service. It shall be held in trust by the City. When a customer's utility service is disconnected, the deposit or any part of such amount deposited which remains after all such charges and amounts due the City have been satisfied, shall be returned to the customer.

B. For all water meters which are reconnected to commence service, there shall be charged a service fee for Twenty-Five Dollars ($25.00) on all meters.

C. For all water meter taps which are newly installed, there shall be a fee of Seven Hundred and Fifty Dollars ($750.00) plus costs, charged to the residential customer for said water meter tap installation and connection.

D. For all water meters which are connected to recommence service after nonpayment, there shall be charged a service fee of Twenty-Five ($25.00) Dollars for the first reconnection, Fifty ($50.00) Dollars upon the second reconnection, and Seventy-Five ($75.00) Dollars for the third or more reconnections. Upon the expiration of the term of one (1) year with no disconnections, the customer's reconnection fee shall return to Twenty-Five ($25.00) Dollars but shall remain subject to the fee schedule in Section B above.

ORDINANCE NO. 2023-04-01

AN ORDINANCE OF THE CITY OF SHIDLER, OKLAHOMA, A MUNICIPAL CORPORATION, AMENDING SECTION 17-313 OF THE CODE OF ORDINANCES OF THE CITY OF SHIDLER TITLED "WATER AND WASTEWATER RATES"; PROVIDING FOR A BASE FEE FOR STANDALONE WATER HYDRATES CONNECTED TO THEIR OWN WATER METER; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER AND DECLARING AN EMERGENCY.

WHEREAS, by majority vote of the Mayor and the City Council of the City of Shidler, Oklahoma at a Special Meeting on the 5th day of April, 2023, it was deemed to be necessary to amend Section 17-313 of the Code of Ordinances, City of Shidler, Oklahoma, titled "Water and Wastewater Rates."

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Shidler, Oklahoma, meeting at City Hall during Special Meeting on this 5th day of April, 2023, as follows:

Section One (1): That Section 17-313, titled "Water and Wastewater Rates" is hereby amended and shall provide for and read, in its entirety, as follows, to wit:

SECTION 17-313 WATER AND WASTEWATER RATES

A. **Water Rates:**

There shall be a minimum base charge for water services of Thirty-Five Dollars ($35.00) per user per month; plus an additional charge of Seven Dollars ($7.00) per one thousand (1,000) gallons of metered water used for the first three thousand (3,000) gallons; plus an additional charge of Eight Dollars ($8.00) per one thousand (1,000) gallons for the next three thousand (3,000) gallons of metered water used; plus an additional charge of Nine Dollars ($9.00) per one thousand (1,000) gallons for the next four thousand (4,000) gallons of metered water used; and thereafter a charge of Ten Dollars ($10.00) per thousand gallons for all metered water used above ten thousand (10,000) gallons.

B. **Hydrant Base Fee:**

For each water meter which is connected exclusively to a standalone water hydrant, or set of water hydrants, there shall be a minimum base charge for water services of Thirty-Five Dollars ($35.00) per water hydrant or set of water hydrants connected to a single water meter per month, in addition to actual water usage as calculated in subsection A above. Any water meter which exclusively services any standalone water hydrant, or set of water hydrants under this subsection, where sewer is not utilized, shall be exempt from the sewer rates set forth in subsection C below.

C. **Wastewater (Sewer) Rates:**

There shall be a minimum base charge for sewer services of Twenty Dollars ($20.00) per user per month; plus an additional charge of Four Dollars ($4.00) per one thousand (1,000)

gallons of metered water used for the first three thousand (3,000) gallons; plus an additional charge of Five Dollars ($5.00) per one thousand (1,000) gallons for the next three thousand (3,000) gallons of metered water used; plus an additional charge of Six Dollars ($6.00) per one thousand (1,000) gallons for the next four thousand (4,000) gallons of metered water used; and thereafter a charge of Seven Dollars ($7.00) per thousand gallons for all metered water used above fifteen thousand (10,000) gallons.

Section Two (2): **Severability.** If any provision, Section, Subsection, sentence, clause, phrase or other portion of this Ordinance or the application thereof to any person or circumstance is held to be unconstitutional, illegal or in conflict, by a Court of competent jurisdiction, or by any federal agency, the remainder of this Ordinance, the application of such provisions to other persons and circumstances shall not be affected thereby, and to this end, such portion of the Ordinance shall be deemed a separate, distinct and independent, provision and not affecting the validity of the remainder of this Ordinance.

Section Three (3): Repealer. Any Ordinance or Code provision, or parts thereof, in conflict with this Ordinance are, to that extent, hereby repealed.

Section Four (4): **Emergency Clause.** There being an immediate necessity existing for the preservation of the public peace, health and safety, an emergency is hereby declared to exist by reason of which this Ordinance shall be in full force and effect from and after the 1st day of June, 2023.

PASSED AND APPROVED this 5th day of April, 2023.

CITY OF SHIDLER, OKLAHOMA
a Municipal Corporation

By: _____
Jace Gullic, Mayor

ATTEST:

By: _____
Kim Martin, City Clerk

[S E A L]

APPROVED AS TO FORM AND CONTENT:

HESKETT & HESKETT
City Attorneys

By: _____
Jacob Heskett, City Attorney

PASSED AND APPROVED this 5th day of April, 2023.

SHIDLER, OKLAHOMA PUBLIC WORKS AUTHORITY
a public trust

By: _____
Jace Gullic, Chairman

ATTEST:

By: _____
Kim Martin, Interim Secretary

[S E A L]

APPROVED AS TO FORM:

HESKETT & HESKETT
City Attorneys

By: _____
Jacob Heskett

FIRST PUBLICATION

ORDINANCE NO. 2023-04-01

AN ORDINANCE OF THE CITY OF SHIDLER, OKLAHOMA, A MUNICIPAL CORPORATION, AMENDING SECTION 17-313 OF THE CODE OF ORDINANCES OF THE CITY OF SHIDLER TITLED "WATER AND WASTEWATER RATES"; PROVIDING FOR A BASE FEE FOR STANDALONE WATER HYDRATES CONNECTED TO THEIR OWN WATER METER; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER AND DECLARING AN EMERGENCY.

WHEREAS, by majority vote of the Mayor and the City Council of the City of Shidler, Oklahoma at a Special Meeting on the 5th day of April, 2023, it was deemed to be necessary to amend Section 17-313 of the Code of Ordinances, City of Shidler, Oklahoma, titled "Water and Wastewater Rates."

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Shidler, Oklahoma, meeting at City Hall during Special Meeting on this 5th day of April, 2023, as follows:

Section One (1): That Section 17-313, titled "Water and Wastewater Rates" is hereby amended and shall provide for and read, in its entirety, as follows, to wit:

SECTION 17-313 WATER AND WASTEWATER RATES

A. Water Rates:

There shall be a minimum base charge for water services of Thirty-Five Dollars ($35.00) per user per month; plus an additional charge of Seven Dollars ($7.00) per one thousand (1,000) gallons of metered water used for the first three thousand (3,000) gallons; plus an additional charge of Eight Dollars ($8.00) per one thousand (1,000) gallons for the next three thousand (3,000) gallons of metered water used; plus an additional charge of Nine Dollars ($9.00) per one thousand (1,000) gallons for the next four thousand (4,000) gallons of metered water used; and thereafter a charge of Ten Dollars ($10.00) per thousand gallons for all metered water used above ten thousand (10,000) gallons.

B. Hydrant Base Fee:

For each water meter which is connected exclusively to a standalone water hydrant, or set of water hydrants, there shall be a minimum base charge for water services of Thirty-Five Dollars ($35.00) per water hydrant or set of water hydrants connected to a single water meter per month, in addition to actual water usage as calculated in subsection A above. Any water meter which exclusively services any standalone water hydrant, or set of water hydrants under this subsection, where sewer is plus an additional charge of Four Dollars ($4.00) per one thousand (1,000) gallons of metered water used for the first three thousand (3,000) gallons; plus an additional charge of Five Dollars ($5.00) per one thousand (1,000) gallons for the next three thousand (3,000) gallons of metered water used; plus an additional charge of Six Dollars ($6.00) per one thousand (1,000) gallons for the next four thousand (4,000) gallons of metered water used; and thereafter a charge of Seven Dollars ($7.00) per thousand gallons for all metered water used above fifteen thousand (10,000) gallons.

Section Two (2): Severability. If any provision, Section, Subsection, sentence, clause, phrase or other portion of this Ordinance or the application thereof to any person or circumstance is held to be unconstitutional, illegal or in conflict, by a Court of competent jurisdiction, or by any federal agency, the remainder of this Ordinance, the application of such provisions to other persons and circumstances shall not be affected thereby, and to this end, such portion of the Ordinance shall be deemed a separate, distinct and independent, provision and not affecting the validity of the remainder of this Ordinance.

Section Three (3): Repealer. Any Ordinance or Code provision, or parts thereof, in conflict with this Ordinance are, to that extent, hereby repealed.

Section Four (4): Emergency Clause. There being an immediate necessity existing for the preservation of the public peace, health and safety, an emergency is hereby declared to exist by reason of which this Ordinance shall be in full force and effect from and after the 1st day of June, 2023.

PASSED AND APPROVED this 5th day of April, 2023.

CITY OF SHIDLER, OKLAHOMA
a Municipal Corporation

By: /s/ Jace Gullic
Jace Gullic, Mayor

ATTEST:
By: /s/ Kim Martin
Kim Martin, City Clerk

[SEAL]

PROOF OF PUBLICATION

The Fairfax Chief
301 South 4th Street
Fairfax, OK 74637
918-642-3814

I, Carol Conner, of lawful age, being duly sworn upon oath, deposes and says that I am the Editor of The Fairfax Chief, a Weekly publication that is a "legal newspaper" as that phrase is defined in 25 O.S.§ 106 for the City of Fairfax, for the County of Osage, in the State of Oklahoma, and that the attachment hereto contains a true and correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

INSERTION DATES:

April 13, 2023

PUBLICATION FEE: . . . . . .$153.42 . . . . . .

(Signature)
Editor

State of Oklahoma
County of Osage

Signed and sworn to before me this 13th day of April, 2023 by

Carol Conner, Editor
Name of Editor, Publisher, Authorized Agent.

(Signature) Notary Public

(Seal)

OFFICIAL SEAL
CANDICE CASON
NOTARY PUBLIC OKLAHOMA
OSAGE COUNTY
COMM. EXP. 11-04-2024
COMM. NO. 20013632

My Commission expires: November 04, 2024
Commission # 20013632

City of Shidler Ordinance No. 2023-04-01

SECTION 17-313 WATER AND WASTE WATER RATES

A. Water Rates:

There shall be a minimum base charge for water services of Thirty-Two Dollars ($32.00) per user per month; plus an additional charge of Five Dollars and seventy-five cents ($5.75) per one thousand (1,000) gallons of metered water used for the first three thousand (3,000) gallons; plus an additional charge of Six Dollars and twenty-five cents ($6.25) per one thousand (1,000) gallons for the next three thousand (3,000) gallons of metered water used; plus an additional charge of Six Dollars and seventy-five cents ($6.75) per one thousand (1,000) gallons for the next four thousand (4,000) gallons of metered water used; and thereafter a charge of Seven Dollars and twenty-five cents ($7.25) per thousand gallons for all metered water used above ten thousand (10,000) gallons.

B. Hydrant Base Fee:

For each water meter which is connected exclusively to a standalone water hydrant, or set of water hydrants, there shall be a minimum base charge for water services of Thirty-Two Dollars ($32.00) per water hydrant or set of water hydrants connected to a single water meter per month, in addition to actual water usage as calculated in subsection A above. Any water meter which exclusively services any standalone water hydrant, or set of water hydrants under this subsection, where sewer is not utilized, shall be exempt from the sewer rates set forth in subsection C below.

C. Waste Water (Sewer) Rates:

There shall be a minimum base charge for sewer services of Twenty Dollars ($20.00) per user per month; plus an additional charge of Two Dollars ($2.00) per one thousand (1,000) gallons of metered water used for the first three thousand (3,000) gallons; plus an additional charge of Two Dollars and fifty cents ($2.50) per one thousand (1,000) gallons for the next three thousand (3,000) gallons of metered water used; plus an additional charge of Three Dollars ($3.00) per one thousand (1,000) gallons for the next four thousand (4,000) gallons of metered water used; plus an additional charge of Three Dollars and fifty cents ($3.50) per one thousand (1,000) gallons for the next five thousand (5,000) gallons of metered water used; and thereafter a charge of Four Dollars ($4.00) per thousand gallons for all metered water used above fifteen thousand (15,000) gallons.

CHAPTER 4
SEWER SYSTEM

Section 17-401 **Prohibited Discharges**
Section 17-402 **New Sewers and Connections**
Section 17-403 **Sewer Taps and Connections; Fees**

SECTION 17-401 PROHIBITED DISCHARGES

A. No person may discharge to public sewers any waste which by itself or by interaction with other wastes may:

1. Injure or interfere with wastewater treatment processes or facilities;

2. Constitute a hazard to humans or animals; and

3. Create a hazard in receiving waters of the wastewater plant effluent.

B. All discharges shall conform to requirements of this Chapter.

C. All discharges shall be prohibited except those that meet the criteria for "Domestic Wastewater". BOD concentration shall not exceed two hundred (200) mg/l suspended solids shall not exceed two hundred (200) mg/l.

D. All industrial discharges are prohibited. At the present time, there are no industrial users in the City. If an industrial user should desire to locate in the City and make use of the sewerage system, an industrial cost recovery system will be initiated in accordance with EPA and state regulations at that time to compensate for the use of the system.

E. Any new connection from inflow sources into the sanitary sewer portion of the sewer system shall be prohibited.

SECTION 17-402 NEW SEWERS AND CONNECTIONS

A. The connection of the building sewer into the public sewer shall conform to the requirements of the City's building Code and other applicable rules and regulations of the City.

B. All new sanitary sewage works shall be designed and constructed in accordance with the requirements of the state department of health regulations.

C. When a public sewer becomes available within two hundred (200) feet; the building sewer shall be connected to the sewer within sixty (60) days.

SECTION 17-403 SEWER TAPS AND CONNECTIONS; FEES;

A. The authority shall approve any request for a sewer tap and connection, a sewer tap on an existing line or a sewer tap on a new line and any electrical service connection. Prior to granting this approval, the customer shall have paid the utility deposit set forth in 17-106. When a customer's utility service is disconnected, the deposit or any part of such amount deposited which remains after all such charges and amounts due the Authority have been satisfied, shall be returned to the customer.

B. The uniform sewer connection fee is set at Two Hundred Fifty Dollars ($250.00) for each and every sewer tap made within or without the City limits of the City of Shidler, Osage County, State of Oklahoma. all costs of materials and labor supplied by the City of Shidler or its Public Works Authority shall be assessed and paid by the customer.

C. The inspection fee for obtaining a permit from the City Clerk to certify a completed connection of the sewer tap is set at Ten Dollars ($10.00).

D. For all sewer connections which are reconnected for service, there shall be charged a service fee of Twenty-Five ($25.00), plus materials and labor on all sewer taps.

CHAPTER 5
IDENTITY THEFT PREVENTION PROGRAM

Section 17-501	**Short Title**
Section 17-502	**Purpose**
Section 17-503	**Definitions**
Section 17-504	**Findings**
Section 17-505	**Process of Establishing a Covered Account**
Section 17-506	**Access to Covered Account Information**
Section 17-507	**Credit Card Payments**
Section 17-508	**Sources and Types of Red Flags**
Section 17-509	**Prevention and Mitigation of Identity Theft**
Section 17-510	**Updating the Program**
Section 17-511	**Program Administration**
Section 17-512	**Outside Service Providers**
Section 17-513	**Treatment of Address Discrepancies**

SECTION 17-501 SHORT TITLE

This Chapter shall be known as the Identity Theft Prevention Program.

SECTION 17-502 PURPOSE

The purpose of this Chapter is to comply with 16 CFR §681.2 in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft.

SECTION 17-503 DEFINITIONS

For purposes of this Chapter, the following definitions apply:

1. 'City' means the City of Shidler.

2. 'Covered account' means (i) An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and (ii) Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

3. 'Credit' means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.

4. 'Creditor' means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies.

5. 'Customer' means a person that has a covered account with a creditor.

6. 'Identity theft' means a fraud committed or attempted using identifying information of another person without authority.

7. 'Person' means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

8. 'Personal Identifying Information' means a person's credit card account information, debit card information bank account information and drivers' license information and for a natural person includes their social security number, mother's birth name, and date of birth.

9. 'Red flag' means a pattern, practice, or specific activity that indicates the possible existence of identity theft.

10. 'Service provider' means a person that provides a service directly to the city.

SECTION 17-504 FINDINGS

1. The City is a creditor pursuant to 16 CFR §681.2 due to its provision or maintenance of covered accounts for which payment is made in arrears.

2. Covered accounts offered to customers for the provision of City services include water, sewer and refuse collection.

3. The City's previous experience with identity theft related to covered accounts is as follows: customer accounts for Municipal Court fines

4. The processes of opening a new covered account, restoring an existing covered account, and making payments on such accounts have been identified as potential processes in which identity theft could occur.

5. The City limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts. Information provided to such employees is entered directly into the city's computer system and is not otherwise recorded.

6. The City determines that there is a *[low, moderate, high]* risk of identity theft occurring in the following ways *(if any)*:

a. Use by an applicant of another person's personal identifying information to establish a new covered account;

b. Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name;

c. Use of another person's credit card, bank account, or other method of payment by a customer to pay such customer's covered account or accounts;

d. Use by a customer desiring to restore such customer's covered account of another person's credit card, bank account, or other method of payment.

SECTION 17-505 PROCESS OF ESTABLISHING A COVERED ACCOUNT

A. As a precondition to opening a covered account in the City, each applicant shall provide the City with personal identifying information of the customer:

1. a valid driver's license or other government issued identification (with photo);

2. any information necessary for the department providing the service for which the covered account is created to access the applicant's consumer credit report.

3. Such information shall be entered directly into the City's computer system and shall not otherwise be recorded.

B. Each account shall be assigned an account number and personal identification number (PIN) which shall be unique to that account. The City may utilize computer software to randomly generate assigned PINs and to encrypt account numbers and PINs.

SECTION 17-506 ACCESS TO COVERED ACCOUNT INFORMATION

A. Access to customer accounts shall be password protected and shall be limited to authorized City personnel.

B. Such password(s) shall be changed by the City Clerk on a regular basis, shall be at least eight (8) characters in length and shall contain letters, numbers and symbols.

C. Any unauthorized access to or other breach of customer accounts is to be reported immediately to the Mayor and the password changed immediately.

D. Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately forwarded to the Mayor and the City Attorney.

SECTION 17-507 CREDIT CARD PAYMENTS

A. In the event that credit card payments that are made over the Internet are processed through a third-party service provider, such third-party service provider shall certify that it has an

adequate identity theft prevention program in place that is applicable to such payments.

B. All credit card payments made over the telephone or the City's website shall be entered directly into the customer's account information in the computer data base.

C. Account statements and receipts for covered accounts shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered account.

SECTION 17-508 SOURCES AND TYPES OF RED FLAGS

All employees responsible for or involved in the process of opening a covered account, restoring a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft and such red flags may include:

1. Alerts from consumer reporting agencies, fraud detection agencies or service providers. Examples of alerts include but are not limited to:

    a. A fraud or active duty alert that is included with a consumer report;

    b. A notice of credit freeze in response to a request for a consumer report;

    c. A notice of address discrepancy provided by a consumer reporting agency;

    d. Indications of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:

        i. A recent and significant increase in the volume of inquiries;

        ii. An unusual number of recently established credit relationships;

        iii. A material change in the use of credit, especially with respect to recently established credit relationships; or

        iv. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

2. Suspicious documents. Examples of suspicious documents include:

    a. Documents provided for identification that appear to be altered or forged;

    b. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;

    c. Identification on which the information is inconsistent with information provided by the applicant or customer;

    d. Identification on which the information is inconsistent with readily

accessible information that is on file with the financial institution or creditor, such as a signature card or a recent check; or

e. An application that appears to have been altered or forged or appears to have been destroyed and reassembled.

3. Suspicious personal identification, such as suspicious address change. Examples of suspicious identifying information include:

a. Personal identifying information that is inconsistent with external Information sources used by the financial institution or creditor. For example:

i. The address does not match any address in the consumer report; or

ii. The Social Security Number (SSN) has not been issued or is listed on the Social Security Administration's Death Master File.

b. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the SSN range and date of birth.

c. Personal identifying information or a phone number or address, is associated with known fraudulent applications or activities as indicated by internal or third-party sources used by the financial institution or creditor.

d. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity.

e. The SSN provided is the same as that submitted by other applicants or customers.

f. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.

g. The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

h. Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.

i. The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

4. Unusual use of or suspicious activity relating to a covered account. Examples of suspicious activity include:

   a. Shortly following the notice of a change of address for an account, city receives a request for the addition of authorized users on the account.

   b. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example:

      i. The customer fails to make the first payment or makes an initial payment but no subsequent payments.

   c. An account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:

      i. Nonpayment when there is no history of late or missed payments;

      ii. A material change in purchasing or spending patterns;

   d. An account that has been inactive for a long period of time is used.

   e. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.

   f. The City is notified that the customer is not receiving paper account statements.

   g. The City is notified of unauthorized charges or transactions in connection with a customer's account.

   h. The City is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.

5. Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts.

SECTION 17-509 PREVENTION AND MITIGATION OF IDENTITY THEFT

A. In the event that any City employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Mayor. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to Mayor, who may in

his or her discretion determine that no further action is necessary. If the Mayor in his or her discretion determines that further action is necessary, a City employee shall perform one or more of the following responses, as determined to be appropriate by Mayor:

1. Contact the customer;

2. Make the following changes to the account if, after contacting the customer, it is apparent that someone other than the customer has accessed the customer's covered account:

   a. Change any account numbers, passwords, security codes, or other security devices that permit access to an account; or close the account;

   b. Cease attempts to collect additional charges from the customer and decline to sell the customer's account to a debt collector in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue;

   c. Notify a debt collector within twenty-four (24) hours of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector in the event that a customer's account has been sold to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account;

   d. Notify law enforcement, in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; or

   e. Take other appropriate action to prevent or mitigate identity theft.

B. In the event that any City employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Mayor. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Mayor, who may in his or her discretion determine that no further action is necessary. If the Mayor in his or her discretion determines that further action is necessary, a City employee shall perform one or more of the following responses, as determined to be appropriate by Mayor:

1. Request additional identifying information from the applicant;

2. Deny the application for the new account;

3. Notify law enforcement of possible identity theft; or

4. Take other appropriate action to prevent or mitigate identity theft.

SECTION 17-510 UPDATING THE PROGRAM

The City Council shall annually review and, as deemed necessary by the Council, update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of the City and its covered accounts from identity theft. In so doing, the City Council shall consider the following factors and exercise its discretion in amending the program:

1. The City's experiences with identity theft;

2. Updates in methods of identity theft;

3. Updates in customary methods used to detect, prevent, and mitigate identity theft;

4. Updates in the types of accounts that the City offers or maintains; and

5. Updates in service provider arrangements.

SECTION 17-511 PROGRAM ADMINISTRATION

A. The Mayor is responsible for oversight of the program and for program implementation. The Mayor is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of the Mayor to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to the Mayor for consideration by the Council.

B. The Mayor will report to the Mayor at least annually, on compliance with the red flag requirements. The report will address material matters related to the program and evaluate issues such as:

1. The effectiveness of the policies and procedures of City in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;

2. Service provider arrangements;

3. Significant incidents involving identity theft and management's response; and

4. Recommendations for material changes to the Program.

C. The Mayor is responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account or accepting payment for a covered account with respect to the implementation and requirements of the Identity Theft Prevention Program. The Mayor shall exercise his or her discretion in determining the amount and substance of training necessary.

SECTION 17-512 OUTSIDE SERVICE PROVIDERS

In the event that the City engages a service provider to perform an activity in connection with one or more covered accounts the Mayor shall exercise his or her discretion in reviewing such arrangements in order to ensure, to the best of his or her ability, that the service provider's activities are conducted in accordance with policies and procedures, agreed upon by contract, that are designed to detect any red flags that may arise in the performance of the service provider's activities and take appropriate steps to prevent or mitigate identity theft.

SECTION 17-513 TREATMENT OF ADDRESS DISCREPANCIES

A. Purpose. Pursuant to 16 CFR §681.1, the purpose of this Chapter is to establish a process by which the City will be able to form a reasonable belief that a consumer report relates to the consumer about whom it has requested a consumer credit report when the City has received a notice of address discrepancy.

B. Definitions. For purposes of this Section, the following definitions apply:

1. 'Notice of address discrepancy' means a notice sent to a user by a consumer reporting agency pursuant to 15 U.S.C. §1681(c)(h)(1), that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency's file for the consumer.

2. 'City' means the City of Shidler.

C. Policy. In the event that the City receives a notice of address discrepancy, the City employee responsible for verifying consumer addresses for the purpose of providing the municipal service or account sought by the consumer shall perform one or more of the following activities, as determined to be appropriate by such employee:

1. Compare the information in the consumer report with:

a. Information the City obtains and uses to verify a consumer's identity in accordance with the requirements of the Customer Information Program rules implementing 31 U.S.C. §5318(l);

b. Information the City maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; or

c. Information the City obtains from third-party sources that are deemed reliable by the relevant City employee; or

d. Verify the information in the consumer report with the consumer.

D. Furnishing Consumer's Address to Consumer Reporting Agency.

1. In the event that the City reasonably confirms that an address provided by a consumer to the City is accurate, the City is required to provide such address to the consumer reporting agency from which the City received a notice of address discrepancy with respect to such consumer. This information is required to be provided to the consumer reporting agency when:

   a. The City is able to form a reasonable belief that the consumer report relates to the consumer about whom the City requested the report;

   b. The City establishes a continuing relation with the consumer; and

   c. The City regularly and in the ordinary course of business provides information to the consumer reporting agency from which it received the notice of address discrepancy.

2. Such information shall be provided to the consumer reporting agency as part of the information regularly provided by the City to such agency for the reporting period in which the City establishes a relationship with the customer.

E. Methods of Confirming Consumer Addresses. The City employee charged with confirming consumer addresses may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:

1. Verifying the address with the consumer;

2. Reviewing the city's records to verify the consumer's address;

3. Verifying the address through third party sources; or

4. Using other reasonable processes.

F. The placing of garbage or rubbish or any refuse material in any street or alley within the City limits or the disposal of such refuse at any place within the City limits, except at such place as may be directed by the City Health Officer is prohibited.

G. The meddling with refuse containers or in any way pilfering, scattering contents, or junking in any alley or street within the City limits is prohibited.

APPENDICES

Appendix 1	Gas Franchise
Appendix 2	Cable TV Franchise

APPENDIX 1
GAS FRANCHISE

Gas Franchise

GAS FRANCHISE

Ordinance No. 168, the 13th day of September, 1993, grants a Gas Franchise to Leann Gas Company, for a period of twenty-five (25) years. A copy of this Ordinance is on file in the office of the City Clerk and attached hereto as Exhibit "A".

APPENDIX 2
CABLE TV FRANCHISE

Cable TV Franchise

CABLE TV FRANCHISE

Ordinance No. 172, the 8th day of May, 1995, grants a Cable TV Franchise to Universal Cable Communications, Inc. d/b/a Classic Cable for the construction and operation of a cable system, for a period of fifteen (15) years. A copy of this Ordinance is on file in the office of the City Clerk and attached hereto as Exhibit "A".